

Sections 42A, 104, 104B, 104D, 108 and 108AA Resource Management Act 1991



Planning Report

Planning Report pursuant to section 42A of the Resource Management Act 1991 recommending whether or not an application for resource consent should be:

- Granted or declined, and, if granted, the conditions of consent

APPLICATION NUMBER:	RC245088
APPLICANT:	Woolworths New Zealand Limited
BRIEF DESCRIPTION OF APPLICATION:	Land use consent RC245088 is sought to establish and operate a supermarket and small-scale ancillary retail tenancies, including associated earthworks, access, carparking, signage and landscaping.
SITE DESCRIPTION:	Address: 597 East Maddisons Road, Rolleston Legal Description: Lot 4011 DP 596412 Title Reference: 1152889 Area: 1.3545 ha
ZONING / OVERLAYS	Operative Selwyn District Plan (2016), Rural Volume Inner Plains Zone Partially Operative Selwyn District Plan (Appeals Version – released 27 November 2023) General Rural Zone Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Urban Growth Overlay, Rural Density (SCA-RD1)
OVERALL ACTIVITY STATUS:	Non-complying
HEARING DATE	19 September 2024
RECOMMENDATION	Approve subject to conditions

Preamble

1. This report reviews the application for resource consent and addresses the relevant information and issues raised. The recommendation made in this report is not binding on the Council and it should not be assumed that the Hearings Commissioner will reach the same conclusion having considered all the evidence brought before the hearing by the applicant and submitters.

Report Author

2. My name is Timothy Hegarty. I am a principal planner at Jacobs New Zealand Limited, an engineering and environmental consulting firm. I hold a Bachelor of Science from the University of Auckland and a Master in Regional and Resource Planning from the University of Otago. I have worked in the field of planning and resource management for more than 20 years in New Zealand, Australia and the United Kingdom. My planning roles have included those in strategy, consenting and enforcement sub-disciplines. I am a full member of the New Zealand Planning Institute. I hold accreditation as an independent hearing commissioner from the Ministry for the Environment and currently sit as an independent commissioner for Auckland Council. I am currently contracted to Selwyn District Council as a consultant planner.
3. Whilst this is a Council Hearing, I have read the Environment Court's Code of Conduct for expert witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this report are within my area of expertise and have relied on the expert advice of others where stated. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
4. I have been engaged by the Selwyn District Council (the Council) to prepare this report pursuant to section 42A of the RMA relating to the substantive consideration of the resource consent under sections 104, 104B, 104D and 108 of the RMA to establish and operate a supermarket with associated car parking, signage and landscaping. This report follows a previous report prepared pursuant to sections 95A to F dealing with the matter of notification / affected parties (dated 9 May 2024)¹.
5. The processing of the resource consent application and preparation of this report has been undertaken with specialist advice from:
 - Gabi Wolfer – Urban Design (Selwyn District Council);
 - Xoë Tay – Landscape (Selwyn District Council);
 - Nick Fuller and Wayne Gallot – Transport (Novo Group Limited);
 - Derek Foy – Economics (Formative Limited);
 - Aaron Staples – Noise and Vibration (Marshall Day Acoustics Limited); and
 - Chrissie Reid - Development Engineering (Selwyn District Council).²
6. The majority of matters raised by the Council's specialists have been largely resolved. The outstanding issues are the following urban design issues:
 - Pylon sign height (Signs 12 and 13); and
 - Design of staff carpark fence facing Goulds Road – height, colour and materials.

Introduction

7. The applicant proposes to construct and operate a supermarket and ancillary retail tenancies at 597 East Maddisons Road, Rolleston.
8. To summarise, resource consent has been sought for the following (Figures 1 and 2):
 - A full-service Woolworths branded supermarket with a building gross floor area (**GFA**) of 3,528m² (including 200m² staff amenities), plus an online 'click n collect' facility (324m²);
 - Ancillary retail / commercial activity tenancies (between 2 – 4) with a total floorspace of 374m²;
 - 226.37m² of signage (both freestanding and attached to buildings);
 - Boundary fencing (including an acoustic fence of 2.3m along the western boundaries);
 - Landscaping; and
 - Canopies and verandas associated with pedestrian areas, the external 'click n collect' and loading areas.

¹ A copy of the s95A to F report is provided as Appendix 4.

² Copies of the experts' reports and correspondence are provided as Appendix 5.



Figure 1 – Proposed View from North

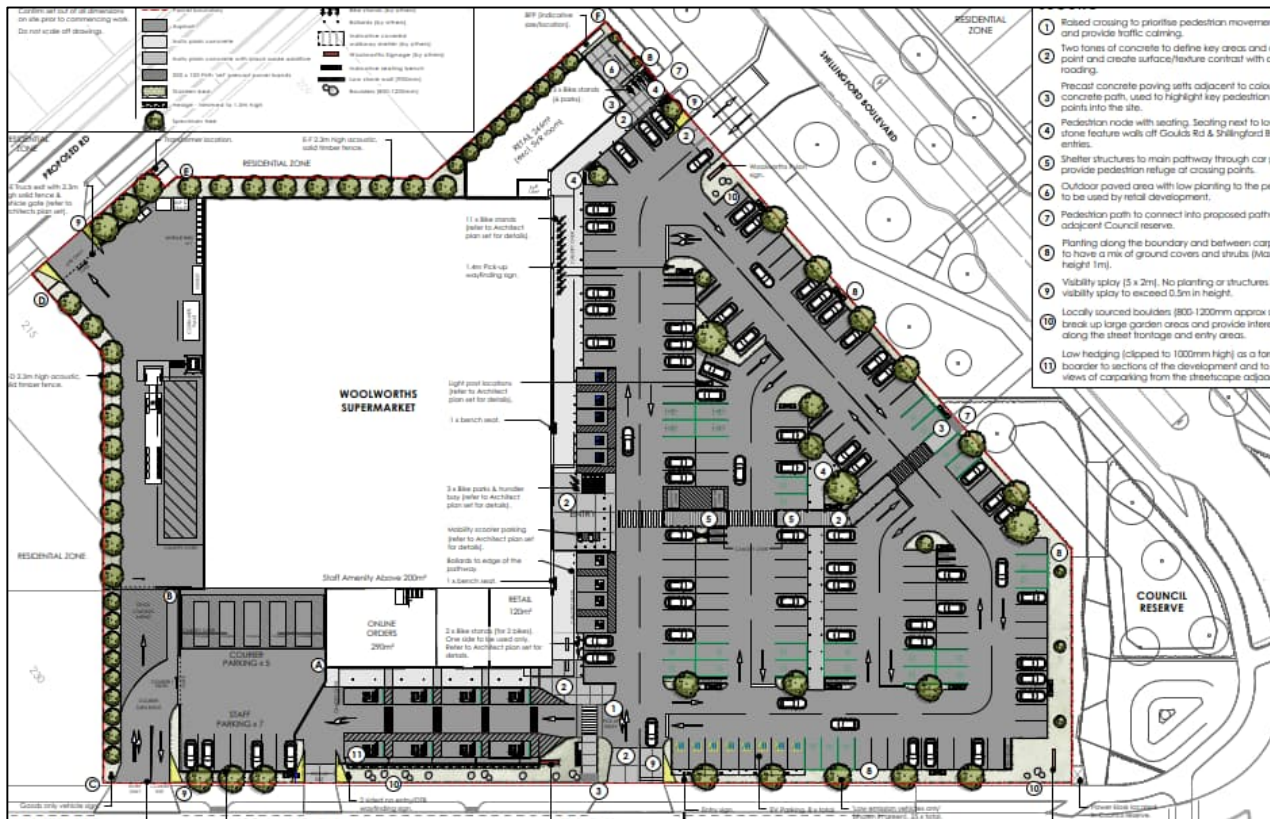


Figure 2 – Proposed Site Plan

9. Vehicle access will be provided via 5 new vehicle crossings, with 184 parking spaces located on-site. Of these spaces, 5 are mobility spaces, 4 are 'parent' parking spaces, 8 are 'click n collect' spaces, and eight are electric vehicle spaces. There will be 7 staff parking spaces provided, as well as storage capacity for 38 bicycles.
10. The supermarket will operate seven days a week, with opening hours being 7:00 am to 10:00 pm Monday to Sunday. Staff, especially those associated with bakery and deli operations, will arrive and leave before and after supermarket opening hours, as will those associated with shelf restocking. Deliveries (including supplier deliveries

and truck deliveries from the Distribution centre) will be during the daytime period, with most occurring between 7:00am and 4:00pm.

11. A comprehensive landscaping plan has also been provided. It includes:
 - Planting along the boundary and between carparks as a mixture of ground cover and shrubs;
 - Low hedging (1.0 high max) as a formal border to sections of the development and to partially screen views of carparking from the road reserves;
 - Specimen trees in the carpark and along the perimeter, including Purple Ake Ake and Lemonwood / Tarata;
 - Two tone concrete materiality to delineate key areas and entry points;
 - Low feature walls with oxford grey basalt veneer to frame key entry points and improve legibility; and
 - Street furniture and local sourced boulders to break up large areas and integrate with the wider character contained within surrounding greenfield residential developments.
12. On-site stormwater management will involve soakage pits. This soakage will accommodate flows up to those projected for a 2% AEP 24 -hour duration rainfall event.
13. This application was formally received by the Selwyn District Council on 4 March 2024.
14. A copy of the original application, including the Assessment of Environmental Effects (AEE) is provided in **Appendix 1**.
15. Since lodgement the applicant has provided several further information responses, and this information now forms part of the application. These responses are provided as **Appendix 2** and include the following design modifications to address Council experts' concerns:
 - Reductions in signage, including a reduced height of 7.5m for the pylon sign on Shillingford Drive;
 - The relocation of bicycle parking in proximity to the Goulds Road entrance;
 - Installation of wheel stops and bollards for the car parks adjoining the building's frontage;
 - Increased planting along the site's residential boundaries;
 - Increased tree planting in the car park; and
 - A reduced fence height and permeable fence type for the staff carpark facing Goulds Road.
16. These changes have been assessed and commented on throughout this planning report.

Background

17. The AEE provides details of the site's history, including its recent consenting under "Fast Track Consenting" legislation³. To summarise, development of the site has been previously authorised under RC235205 (subdivision consent) and RC235206 (land use consent) for 684 lots under fast track consenting legislation. The application site forms part of the approved residential development and will occupy an area of land previously identified for nine low density (>550m²), four medium density (>400m²) and two terrace lots.
18. Prior to the recent residential consent process, the site has been used for rural activities.

The Existing Environment

19. The Applicant has provided a detailed description of the existing environment, including its topography, land uses, transport network and biophysical properties⁴. I concur with the Applicant's description and provide the following additional comments.
20. The application site and surrounding sites form part of a large greenfield development on the southwestern periphery of Rolleston. During my site visit on 3 February 2024, land development was underway across a large area. This included stockpiles of cleared topsoil and vegetation.
21. The application site does not feature any listed heritage features, identified natural inland wetlands or streams.

³ Pg 4 – 5, AEE

⁴ Pg 5 – 11, AEE

22. Previously, a water race was present along the site's frontage with Goulds Road. This water race has been removed, as confirmed by the Applicant's s92 response.
23. The area is served by an established public road network. This includes Goulds Road and East Maddison Road, both which provide connectivity to the established urban area of Rolleston (to the north) and to rural Selwyn (to the south).
24. I visited the site on 3 February 2024.

Operative Selwyn District Plan (2016), Rural Volume ("the Operative Plan")

25. The application site is zoned Inner Plains. The site is not subject to any overlays and controls.
26. The Council released the Appeals Version of the Partially Operative Selwyn District Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.
27. The rules that still apply following appeals and that this proposal does not meet are as follows.

Land Use

28. The proposed land use activity does not meet the following rules:

RULE	TOPIC	COMPLIANCE	STATUS
1.7.1.2	Earthworks and Setbacks, Volume and Site Rehabilitation	Earthworks must not exceed 5,000m ³ per project. 14,000m ³ of earthworks are proposed.	Discretionary
3.11.1	Buildings and Site Coverage	The maximum area of any allotment covered by buildings shall be 5% for all sites greater than 1 ha. A building coverage of 40.5% is proposed	Discretionary (Rule 3.12.1)
3.13.1	Buildings and Building Position	Any building complies with the relevant setbacks from property boundaries and road boundaries as shown in Table C3.2: All structures, excluding public amenity structures, shall comply with the minimum setbacks listed in GRUZ-TABLE1 - Structure Setbacks. The Proposal involves the following setbacks: <ul style="list-style-type: none"> • 2.8m (Supermarket) and 1.8m ancillary retail) to the western boundary; • 4.0m (canopy) to Goulds Road; • 6.0m (ancillary northern retail) to Shillingford Boulevard; and • Two pylon sign structures immediately beside the site's road boundaries. 	Discretionary (Rule 3.13.6)

29. I note that the section 95 report stated that resource consent was also required under Rule E10.2.2.1 (Distances of Vehicle Crossings from Road Intersections). However, upon further analysis, consent is not required under that rule as the equivalent rule in the Partially Operative Plan is not under appeal and has legal effect (and for which the applicant has sought consent for).
30. The deletion of this consent trigger under the Operative Plan does not change the application's activity status under either District Plan. As such, I do not consider that the deletion of this consent trigger materially affects the notification or the following assessment of the application.
31. Therefore, the land use proposal is a **Discretionary** activity under the Operative Plan.

Partially Operative Selwyn District Plan (Appeals Version – released 27 November 2023) ("the Partially Operative Plan")

32. The application site is zoned General Rural. The site is also subject to Plains Flood Management Overlay, Liquefaction Damage Unlikely Overlay, Urban Growth Overlay and Rural Density (SCA-RD1).

33. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.
34. The rules of the Partially Operative Plan that this proposal does not meet are as follows.

Land Use

35. The proposed land use activity does not meet the following rules:

Operative/treated as operative:

RULE	TOPIC	COMPLIANCE	STATUS
GRUZ – R2/REQ1.1	Coverage	The maximum area of any allotment covered by buildings shall be 5% for all sites greater than 1 ha. A building coverage of 40.5% is proposed.	Restricted Discretionary (Rule REQ1.2)
GRUZ – R2/REQ3.1	Height in Relation to Boundary	All buildings shall comply with the relevant height in relation to boundary requirements in Appendix 3. The western recession planes are breached by some 1.742m as associated with the Supermarket, and 0.9m by the northern ancillary retail.	Restricted Discretionary (Rule REQ3.2)
GRUZ-R9	Rural Selling Place/Commercial Activity	The establishment of a new, or expansion of an existing rural selling place or commercial activity Where: <ul style="list-style-type: none"> The area of land associated with the rural selling place is less than 100m²; or The area of land associated with the commercial activity is less than 100m². And this activity complies with the following rule requirements: <ul style="list-style-type: none"> GRUZ-REQ6 Hours of Operation GRUZ-REQ7 Full Time Equivalent Staff The Proposal involves commercial activities that occupy 1.35ha.	Non-complying (Rule GRUZ-R9.3)
GRUZ-R9/GRUZ-REQ6	Hours of Operation	The unloading or loading of vehicles or the receiving of customers or deliveries only occurs between 0700 and 1900 on any day, The activity will have opening hours of 7:00am to 10:00pm Monday to Sunday.	Discretionary (Rule REQ6.3)
GRUZ-R9/GRUZ-REQ7	Full Time Equivalent Staff	No more than two full time equivalent staff who are not permanent residents of the site are working on the site at any one time. Approximately 50 FTEs are proposed.	Discretionary (Rule REQ7.2)
EW-R2/EW-REQ1	Volume of Earthworks	The volume of earthworks is not to exceed the threshold outlined in EW-TABLE1. 14,000m ³ of earthworks are proposed.	Restricted Discretionary (Rule EW-REQ1.2)
NOISE-R1/NOISE-REQ1	Zone Noise Limits	Activities are required to comply with the noise limits set out in NOISE-TABLE 5. The proposal does not comply with the daytime GRUZ noise limits as they relate to the adjoining GRUZ site.	Restricted Discretionary (NOISE-REQ1.2)

RULE	TOPIC	COMPLIANCE	STATUS
NOISE-R1/ NOISE- REQ1	Zone Noise Limits	Activities are required to comply with the noise limits set out in NOISE-TABLE 5. The proposal does not comply with the night-time GRUZ noise limits as they relate to the interface with the Medium Density Residential Zone.	Restricted Discretionary (NOISE-REQ1.2)
SIGN- R1/SIGN- REQ1.8	Free Standing Signs	There shall be a maximum of one free standing sign per site for sites 4ha or less in area. There are three free standing signs, and the site is less than 4 ha in area.	Restricted Discretionary (Rule SIGN-REQ1.12)
SIGN- R1/SIGN- REQ1.10	Free Standing Signs	The maximum area of a sign shall be 3m ² . Two signs have areas greater than 3m ² .	Restricted Discretionary (Rule SIGN-REQ1.12)
SIGN- R1/SIGN- REQ1.11	Free Standing Signs	The maximum height above ground level at the top of the sign shall be 6m. The proposal includes sign structures that are up to 9m high.	Restricted Discretionary (Rule SIGN-REQ1.12)
SIGN- R1/SIGN- REQ2.3	Built form – Signs Attached to Buildings	3m ² per building and 9m ² per site, whichever is lower. The proposal involves signs attached to the principal building that cover more than 100m ² of the building's surfaces.	Restricted Discretionary (Rule SIGN-REQ1.12)
TRAN-R4.1	Vehicle crossings	The vehicle crossing is located no closer to an intersection with a State Highway or arterial road than: <ul style="list-style-type: none"> • 60m to the departure side of any intersection; and • 30m to the approach side of any intersection; and • The vehicle crossing does not service any: <ul style="list-style-type: none"> • Service station; or • Truck stop; or • Activity that generates more than 40vm/d or, in PREC11 - Rural Services Precinct, 250vm/d. The Proposal involves a vehicle crossing onto a local road that will be used by more than 40 vm/d	Restricted Discretionary (Rule TRAN-R4.2)
TRAN- R4/TRAN- REQ3.7	Number of vehicle crossings	There is no more than one vehicle crossing per site, except where: <ul style="list-style-type: none"> • The site has frontage to a collector road or local road, there may be a maximum of two vehicle crossings per site if each vehicle crossing is a single exit or entry (one-way flow); or • The site has a road frontage of more than 100m in length, there may be a maximum of three vehicle crossings per site; or • Access can be obtained to either road where the site accesses a collector road or local road, but not both; and • The road is maintained by a road controlling authority. The Proposal involves three vehicle crossings proposed to Goulds Road, one vehicle crossing to	Restricted Discretionary (TRAN-REQ3.2)

RULE	TOPIC	COMPLIANCE	STATUS
		Shillingford Boulevard and one vehicle crossing to a new local road.	
TRAN-R4/TRAN-REQ4.1	Siting of vehicle crossings	<p>Vehicle crossing(s) shall:</p> <ul style="list-style-type: none"> • comply with TRAN-TABLE4 - Vehicle crossing distances from intersections as illustrated in TRAN-DIAGRAM1 - Accessway separation from intersections; and • be located a minimum distance of 10m from the end of any splitter or approach island to a roundabout; and • comply with TRAN-TABLE5 - Vehicle crossing sight distances as illustrated in TRAN-DIAGRAM2 - Sight distance measurements and values; and • not be formed within a State Highway. <p>The Proposal involves a vehicle crossing that is within 30m of Edgar Way intersection. A vehicle crossing is proposed on the new local road that does not provide the required minimum 140m sightline.</p>	Restricted Discretionary (Rule REQ4.2)
TRAN-R4/TRAN-REQ5.5	Vehicle Crossing Design and Construction	<p>Vehicle crossing(s) (excluding those on a State Highway) shall comply with the following standards:</p> <p>TRAN-DIAGRAM5 - Vehicle crossing design standards - Local roads where the vehicle crossing provides access to a residential unit on a local road; or</p> <p>TRAN-DIAGRAM6 - Vehicle crossing design standards - Arterial and Collector roads where the vehicle crossing provides access to either:</p> <ul style="list-style-type: none"> • a residential unit not on a local road; or • any other activity on a local road, arterial road, or collector road. <p>The Proposal does not comply with TRAN-DIAGRAM 6.</p>	Restricted Discretionary (Rule REQ6.6)

Has legal effect – subject to appeal:

RULE	TOPIC	COMPLIANCE	STATUS
GRUZ-R2/REQ4.1	Building Setback	<p>All structures, excluding public amenity structures, shall comply with the minimum setbacks listed in GRUZ-TABLE1 - Structure Setbacks.</p> <p>The Proposal involves the following setbacks:</p> <ul style="list-style-type: none"> • 9.20m (canopy) to the southern boundary; 2.8m (Supermarket) and 1.8m ancillary retail) to the western boundary; • 4.0m (canopy) to Goulds Road; • 6.0m (ancillary northern retail) to Shillingford Boulevard; and • Two pylon sign structures immediately beside the site's road boundaries. 	Restricted Discretionary (Rule REQ4.2)

RULE	TOPIC	COMPLIANCE	STATUS
EW-R2/EW-REQ3	Earthworks - Excavation and Filling	<p>Earthworks, excluding those earthworks associated with offal pits, shall not exceed a maximum depth below or height above natural ground level of:</p> <ul style="list-style-type: none"> 2m, when 1.5m or more from the boundary of a site in separate ownership; or 0.5m, when within 1.5m of the boundary of a site in separate ownership. <p>Earthworks may exceed a depth of 0.5m within 1.5m of an adjoining boundary but will not exceed 1.0m.</p>	Restricted Discretionary (Rule EW-REQ3.3)

36. The applicant's s92 response of 22 April states:

"A flood assessment certificate has been obtained; however the finished floor level cannot accurately be determined for the building until Davie Lovell Smith (DLS) have completed flood modelling for the underlying subdivision. This will be done when the subdivision is at the s.224 stage and DLS have confirmed the completed modelling is still some time away. The finished floor level will therefore need to be reviewed at building consent stage. It is acknowledged that any increase in the overall building height resulting from a change in finished floor level may require a change of conditions to the resource consent to be granted under s. 127 of the RMA."

37. Given that the applicant cannot confirm compliance with the FFL (at this time) given its location within a larger greenfield development, and because the circumstance is relatively unusual, it has been assumed for the purposes of this report that the building will meet the Flood Assessment Certificate FFL of +40.80 LVD37 at the time of building consent and that no changes to the building's height or position will be required. If this had not been the case, a flooding assessment would have been required by a suitably qualified engineer. In the event that a higher FFL is required, I have proposed the following condition and advice note as part of the recommended conditions:

Condition: *The Consent Holder must ensure that the finished floor level for the proposed building is at least +40.80 LVD37.*

Advice Note: *The finished floor level above may require updating once flood modelling for the adjoining subdivision has been completed. The Consent Holder is advised that modification of the building's floor levels, and a new Flood Assessment Certificate may be required once further flood modelling is completed. These modifications may also require an application under section 127 of the Resource Management Act to change Condition 1 of this decision. This Condition does not apply to the loading dock canopy or the 'click n collect' area.*

38. In my view the above condition and advice note provide a clear requirement for the finished development to be compliant with the Partially Operative Plan natural hazard rules, while also advising of statutory obligations (i.e. s127) should a design change be required.

39. Therefore, the land use proposal is a **Non-Complying** activity under the Partially Operative Plan.

Appeals

40. Horticulture NZ (ENV-2023-CHC-102) has appealed against the structure setback requirement of the General Rural Zone where it may apply to artificial crop protection structures. In my view, this appeal does not affect the status of the PODP setback requirement given the specific remedy sought by the appellant, which does not include structures associated with commercial activities/retail sales.

41. CSI Property and iPort Rolleston Holdings (ENV-2023-CHC-112) have appealed the zoning of land adjacent to the Rolleston iZone industrial park. Given that the current application is not located on that land, I do not consider that the appeal affects the weighting that should be given to the Partially Operative Plan in this instance.

42. Dairy Holdings (ENV-2023-CHC-118) relates to making irrigation infrastructure a permitted activity. Again, this appeal does not relate to the activities sought by the current application.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

43. The NES-CS manages activities which involve the disturbance of land which may be contaminated. This is determined by whether activities listed in the Hazardous Activities and Industries List (HAIL) have or are likely to have occurred on the site.

44. The applicant has noted:

"The broader site (including Lot 4011 DP596412) is identified on the Environment Canterbury LLUR HAIL Register as a contaminated site (G5 – Waste Disposal to Land). DSI's have been completed and accompany the Fast Track residential application. The site remediation plan identifies that Lot 4011 DP596412 is not an area of Identified Source of Contamination. The site remediation plan identifies that (to meet the residential threshold) 'due to the concentrations of contaminants observed and the land disturbance and removal volumes, the site (being the entirety of the Faringdon Oval project) is considered to be a permitted activity under NES.'"⁵

45. I concur with the applicant's assessment and consider that resource consent is not required under the NES-CS.

Overall Activity Status

46. At the time of lodgement, the application was assessed/treated as being for a **Non-complying** activity.

47. As per the Activity Status section above, at the time of writing this report the proposal is still for a **Non-complying** activity (i.e. the most restrictive status applicable).

48. Therefore, the proposal is being considered as a **Non-complying** activity overall.

Notification

49. The applicant requested public notification at lodgement of the application. A report under section 95 and 95A-E was prepared in order to identify those parties who should be served directly with notice of the application.

50. Notice of the application was published on 22 May 2024, with the submission period closing on 20 June 2024.

51. The applicant has obtained the written approvals of the following parties:

- Hughes Development Limited - 597 East Maddisons Road, Rolleston;
- Freelance Canterbury Limited – 1 Rangatira Street, Rolleston (Owner);
- Saath Academy Rolleston Limited – 1 Rangatira Street, Rolleston (Occupier); and
- Rufus Homes Limited – 1 Rufus Street, Rolleston.

52. As such, any effects on these parties have been disregarded in accordance with section 104(3)(a)(ii) of the Act⁶.

Submissions

53. At close the submission period, the Council had received 2 submissions, with a further late submission received on 20 June 2024 after the cut-off time of 5pm. Minute 1 of Commissioner O'Connell issued on 8 July 2024 confirmed that the late submission be accepted.

54. A list of submitters and copies of their submission is provided as **Appendix 3**. A brief summary of the submissions is provided below.

55. The Ministry of Education (**MoE**) submitted on the application without stating their position (i.e. in support/opposition/neutral). Regardless, they have requested to be heard on the following matters:

- Operational and Construction Phase Traffic Effects
 - That a condition requiring a Construction Traffic Management Plan (**CTMP**) is required; and
 - Appropriate consideration of operational effects associated with traffic generation be completed for the neighbouring streets to the proposed site.
- Dust Suppression
 - That the Council impose the applicant's proposed Erosion, Sediment and Dust Management Plan (**ESDMP**) as a condition of consent. Furthermore, specific conditions requiring monitoring of the ESDMP are imposed.

⁵ Pg 5, AEE.

⁶ "A consent authority must not when considering an application have regard to any effect on a person who has given written approval to the application."

- Noise
 - That suitable conditions are included relevant to mitigation of potential and actual construction and operational noise effects on the wider community.
 - Engagement
 - That the applicant engages with Lemonwood Grove and Waitaha Schools regarding the appropriateness of mitigation measures
 - That the applicant also engages directly with the MOE regarding construction.
56. The Canterbury Regional Council (**ECan**) are neutral and do not wish to be heard. ECan has raised the following:
- They have identified the need to assess the application against the Canterbury Regional Policy Statement (**CRPS**), particularly regarding urban form and development.
 - This development occurring in accordance with the Future Development Area (**FDA**) and Outline Development Plan (**ODP**) guidance. They note that while the Operative District Plan has the site within an ODP, it is identified by the ODP for residential purposes;
 - Consideration must be given to the implications of commercial development in an area where it has not provided for by the ODP. This includes assessing effects associated with the development framework for Greater Christchurch and the CRPS; and
 - Consideration should be given to the likely economic effects of the application, including whether it adversely affects the economic function of existing commercial centres (including Rolleston the Key Activity Centre).
 - While contaminated land matters were identified and addressed through the underlying Fast Track Consent, two conditions relating to contaminated material discovery and removal have been requested.
57. Ryman Healthcare Limited (**Ryman**) supports the application in part and does not wish to be heard. Ryman have raised the following:
- Transport and traffic effects
 - In particular, pedestrian safety for those coming from the south; and
 - That safe pedestrian crossing facilities are provided for people accessing the supermarket from the south.
 - Effects on visual amenity
 - Inadequate urban design interventions, including landscaping, have been provided for the Goulds Road frontage (which faces the submitters' approved retirement village); and
 - That landscaping of a similar density to that which is proposed along other frontages of the supermarket is provided for along the Goulds Road frontage of the south-eastern corner of the supermarket site.
 - Noise effects
 - That condition of consent restricting noise generation from the ancillary tenancies is appropriate and beneficial to the maintenance of local amenity;
 - The lack of noise barriers along the Goulds Road frontage will impact nearby residential sites; and
 - That the Village is acknowledged as a sensitive receptor and that appropriate noise buffers are put in place, either in the form of landscaping or noise barriers along the Goulds Road frontage of the south-eastern corner of the supermarket site.

Matters to be Considered

58. Section 104(1) of the Resource Management Act 1991 sets out the matters which must be considered by Selwyn District Council in considering an application for resource consent. Section 104(1), states as follows:

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M [Effect of incorporation of MDRS in district plan], have regard to—*
- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) any relevant provisions of—*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

59. In addition, the following section(s) apply to the consideration of this consent.

Section 104B and 104D – Determination of applications for non-complying activities

60. Section 104B applies to discretionary and non-complying activities. It allows that the consent authority may grant or refuse the application, and, if granted, it may impose conditions under s 108.
61. Section 104D applies an additional, particular restriction to non-complying activities. A consent authority may grant consent for a non-complying activity **only** if it is satisfied that either the adverse effects on the environment will be minor or the activity will not be contrary to the objectives and policies of the plan and proposed plan.

Permitted Baseline

62. Section 104(2) states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan, i.e. the operative plan, permits an activity with that effect.
63. Although the parts of the Partially Operative Plan that are not operative are not strictly applicable in terms of the concept of permitted baseline and the relevant sections of the Act, it is useful to note what would be permitted by the rules of that Plan that have legal effect.
64. In this instance, the Operative Plan provides for the following as relevant permitted activities:
- Earthworks in the Inner Plains Zone with a vertical cut face no more than 5% of the total vertical cut is over 2m and a maximum volume of 5000m³ per project; and
 - Buildings in the Inner Plains Zone that cover up to 5% of the site and comply with setback rules.
65. The Partially Operative Plan provides for the relevant permitted activities:
- Buildings in the General Rural Zone that cover up to 5% of the site, are a maximum height of 9m, are setback from road and internal boundaries, and comply with height in relation to boundary requirements;
 - Rural selling places in the General Rural Zone;
 - Vehicle crossings that are compliant with location, frequency, physical dimension and road access requirements;
 - Car parking and internal vehicle accessways that are compliant with physical dimension, landscaping and surface treatment requirements;
 - Bicycle parking;
 - New buildings in the Plains Flood Management Overlay that are compliant with a Flood Assessment Certificate (**FAC**);
 - Earthworks associated with a building consent or other earthworks that are compliant with volume, depth and rehabilitation requirements;
 - Artificial lighting compliant with lux level limits;

- Construction and operational noise compliant with noise standards; and
- Freestanding signs and signs attached to buildings that are compliant with dimension and content requirements.

Receiving Environment

66. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents. As previously commented, the Applicant has provided a detailed description of the existing environment that includes landform, land uses and transport network characteristics. I do not intend to repeat that description in-depth but provide the following key features that affect my effects assessment.
67. The application site is located within a greenfield development area. These developments are in varying stages of completion, ranging from sites occupied by residential dwellings through to land still subject to early site works. These developments generally feature single and two-storey building typologies, most of which are detached (Figure 3).



Figure 3 – Fast Track Approved Residential Development Layout

68. An approved resource consent comprehensive care retirement village held by Rymans (Council Reference: RC225800) at 533 and 583 East Maddisons Road and 870 Goulds Road. The retirement village will include 218 townhouses, assisted living and hospital facilities, over 300 car parks and communal amenities. A site plan of the retirement village is provided as Figure 4.



Figure 4 – Approved Site Plan for Retirement Village

69. Also present in the immediate vicinity is a childcare centre and a café/restaurant, both of which are located at 1 Rangatira Street (also known as 971 Goulds Road). These activities are also situated within residential zoning.
70. Given its location at the urban periphery, the application site is also in proximity to rural land. This includes land, which has been approved for residential development under Fast Track Act consents . Rural production activities are located further afield, with the both the application site and abutting land being subject to land clearance and early site works.
71. There are no scheduled cultural, heritage, ecological or landscape features present, either on the application site or the immediate area. While a water race was previously positioned along the application site's Goulds Road boundary, it has been removed as part of the site works approved under Fast Track Act consents.
72. Both Goulds Road and East Maddisons Road are classified as collector roads by the Partially Operative Plan. The intersection of these two roads is controlled through the use of a roundabout.

Effects Assessment

73. As a non-complying activity, the Council's assessment is unrestricted and all actual and potential effects of the proposal must be considered. In this regard, I provide an assessment of effects associated with the following:
 - Construction phase;
 - Infrastructure, servicing and flood hazards;
 - Operational noise;
 - Visual amenity, character and landscape values;
 - Cultural values;
 - Transport;
 - Effects on rural production;
 - Housing supply;
 - Economic effects; and
 - Positive effects.
74. Where relevant, my assessment will also draw upon the applicant's AEE and technical assessments, as well as the reviews of those assessments by the Council's own technical experts.

Construction Effects

75. The proposal's construction has the potential to generate adverse effects associated with noise, dust, sediment discharges and traffic given the scale of land disturbance and construction proposed.
76. Turning first to noise, the Applicant has advised that construction will be undertaken in accordance with NZS6803:1999, as well as the more restrictive noise limits of the Partially Operative Plan⁷⁸. The Applicant has also provided an acoustic assessment by Acoustic Engineering Services Limited (**AES**), which recommends:
- "that the applicant adopts best practice procedures to reduce the likelihood of annoyance, nuisance, and adverse health effects to people in the vicinity of construction work, and that these activities are planned and managed in accordance with NZS 6803:1999 Acoustics Construction Noise, and that construction is undertaken to ensure as far as practical that noise does not exceed the sound levels specified in Rule NOISE REQ-2 of the PODP and in Table 2 of the Standard."*⁷⁹
77. The application has been reviewed by Marshall Day Acoustics (**Marshall Day**) on-behalf of Council. Marshall Day have confirmed that they agree with AES' findings. Given the technical nature of construction noise, I have relied on the expertise of both AES and Marshall Day. On this basis, I concur that the construction noise generated by the proposal are acceptable and can be readily managed by the use of a Construction Noise and Vibration Management Plan (**CNVMP**). I further consider that the use of a CNVMP, which is accepted construction practice, addresses the construction noise issue raised by the MoE.
78. With regard to construction traffic, the Applicant has advised that an erosion, sediment and dust management plan (**ESDMP**) will be employed. They have further elaborated that the ESDMP will be prepared in accordance with Environment Canterbury's 'Erosion and Sediment Control Toolbox for Canterbury'. In practice, the ESDMP will include:
- A silt fence around the perimeter of the construction site;
 - Stabilised site entrance / exits at site access points;
 - A construction phase soakage basin(s) and / or soakage pit(s) for disposal of stormwater runoff;
 - Cutoff drains or bunds to divert water toward the soakage basin for discharge;
 - Sediment protection around existing downstream sumps;
 - Measures to reduce, as practicable, exposed areas, and conduction of earthworks as associated with dust management (covering stockpiles, wind speeds and use of water dampening); and
 - Inspection and monitoring of control measures.
79. The ESDMP will be a working document that will be updated, if required, in response to conditions imposed by Environment Canterbury on the proposal's regional consents.
80. I note that the MoE has stated that they want the ESDMP to be required by consent conditions, as well as further conditions specifically related to its monitoring. I concur with the MoE's submission and consider it appropriate for conditions to be imposed requiring the use and monitoring of an ESDMP.
81. Further to the above, Mahaanui Kurataiao Limited (**Mahaanui**) on behalf of Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga, have identified the potential cultural effects associated with land disturbance as part of their Cultural Advice Report (**Appendix 5**). In order to address those effects, they have stated that the following is required as a condition of consent:
- An Erosion and Sediment Control Plan (ESCP) should be constructed, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury.*
- a) *All contractors working on site must be made aware of these measures and strictly adhere to them.*
 - b) *Where measures prove to be inadequate, works must cease until appropriate and effective measures are in place.*
82. I concur with Mahaanui that the use of erosion and sediment controls are necessary to address the proposal's effects. However, I have recommended the term 'ESCP' is replaced with ESDMP in order to maintain consistency with the application documents and other technical assessments.

⁷ NZS6803:1999 (Acoustics - Construction noise).

⁸ NOISE-Table 6 (Construction Noise Limits).

⁹ Pg 16, AES Report

83. ECan's submission also included commentary on the proposed earthworks and have requested conditions related to the accidental discovery of contaminated material. While no contamination was identified within the construction footprint, I consider it appropriate that conditions relating to accidental discovery are employed.
84. Lastly, I note that the AEE provides the following comments in regard to construction traffic:
- "... construction traffic is also of a short duration, able to be accommodated on the wider transport network and to safely access / egress the site and will be compatible with the current amenity and character as associated with wider greenfield construction activities as this area of Rolleston transitions to urban activities and buildings."*
85. Construction traffic has also been raised by the MoE who have requested that a construction traffic management plan is imposed as a condition of consent. I concur with the MoE, noting the proximity of the application site to Lemonwood Grove School (14 Lemonwood Drive, Faringdon) and Waitaha School (14 Lemonwood Drive, Faringdon) and the potential conflict with school related foot and road traffic. I do consider the imposition of a CTMP is an appropriate method to address construction traffic effects and I have included a CTMP in the recommended conditions set.
86. Furthermore, I note that the Applicant has offered the following condition to address MoE's construction concerns:
- The Consent Holder shall formally provide written confirmation to Lemonwood Grove and Waitaha Schools, via the Principal of each school, of notice of works commencing, at least 15 working days prior to any construction works commencing. The Consent Holder shall formally provide written confirmation to the Ministry of Education, via resource.management@educaton.govt.nz, of notice of works commencing, at least 15 working days prior to any construction works commencing¹⁰.*
87. It is my understanding that the MoE has agreed to this condition, and I agree that it satisfies the construction issues raised by the submitter.
88. Overall, I consider that subject to the recommended conditions that the proposal will have limited adverse construction phase effects.

Infrastructure, Servicing and Flood Hazard Effects

89. The proposal will involve the construction and operation of a supermarket (and associated retail) on a greenfield site. At present, the site is not served by reticulated utility services although such services are proposed to serve the site and surrounding approved residential development.
90. The Applicant has supplied an Infrastructure Servicing Report prepared by Eliot Sinclair Limited. The servicing report identifies that it is possible and practical to connect the site to reticulated services, including both wastewater and potable water networks. It also is possible to provide adequate water supply for firefighting purposes.
91. The application has been reviewed by Chrissie Reid, Council's Development Engineering Manager. Ms Reid has advised that the infrastructure capacity and servicing of the proposal can be achieved subject to conditions. These conditions include requirements regarding firefighting supply water pressure and other utility connection requirements. Ms Reid has also recommended advice notes regarding trade waste and other 3 Waters infrastructure. I concur with Ms Reid's assessment and consider that the proposal can be connected to local infrastructure networks without any significant effects on those networks.
92. The Applicant has also addressed stormwater servicing and flooding given the application's site location with the Plains Flood Management Overlay of the Partially Operative Plan. The AEE states:
- ECan Flood Modelling reveals only minor ponding of less than 0.2m depth across the site in the event of a 200yr ARI rainfall event (as based on current ground levels), which also implies a very low flow velocity. It is understood that SDC require FFLs to be a minimum of 300mm above the 1 in 200 year flood event. The FFL for the enclosed buildings will be 40.80m, with spaces covered by canopies at 40.65m. The FFL for all buildings will be a minimum of 300mm above the lowest level along the road boundary to Goulds Road.¹¹*
93. Ms Reid has advised that the application indicates that the stormwater systems will be designed to cater for all design storm events up to and including the 2% AEP 24hr duration storm. However Council's Engineering Code of Practice requires all infrastructure be designed for storm events up to and including the critical duration 1% AEP storm and this requirement will be imposed on this development. I support Ms Reid's assessment and consider that the imposition of conditions and advice notes relating to stormwater management are appropriate. I further note that the applicant will also be required to comply with the current Flood Assessment Certificate and building height shown as noted in my earlier commentary regarding consent triggers under the Partially Operative Plan.

¹⁰ Letter from Applicant – 16 August 2024.

¹¹ Pg. 38, AEE.

94. In summary, it is my view that the proposal will have minimal effects associated with infrastructure, servicing and flood hazard effects and that those effects can be addressed by consent conditions.
- Operational Noise Effects**
95. The Applicant has provided an acoustic assessment prepared by AES. As noted in the AEE, that assessment has employed the noise standards associated with residential zones, rather than the General Rural Zone given that the surrounding sites have approved resource consents for residential developments. I concur with this approach as it appropriately reflects the character of the existing environment, although for the purposes of land use consent triggers the GRUZ related standards do apply.
96. The acoustic assessment and AEE have identified the following potential noise sources:
- Customer parking and vehicle movements;
 - The loading bay and back of house activities;
 - Operation of the 'click and collect' pick-up area;
 - Courier deliveries;
 - Ancillary retail activities; and
 - Mechanical plant.
97. In response to AES' acoustic assessment, the Applicant has offered conditions to address the following:
- Requiring all mechanical plant (except emergency backup generator) to achieve a 35 dB LAeq noise level at the site boundary;
 - Restricting truck deliveries to the daytime hours of the District Plan (0700 – 2200 hours);
 - A Noise Management Plan for the operation of the loading bay;
 - The use of non-tonal reversing alarms on forklifts; and
 - Noise barriers on the site's residential boundary (i.e. southern boundary).¹²
98. With these measures in place, the Applicant has identified that the following noise levels will be experienced at the surrounding sites:
- At the immediate interface with the Back of House (these are Lots 215 and 230 from Stage 10 of Subdivision Consent RC235205) – 50dB LAeq;
 - Immediately across Shillingford Boulevard due to car park usage (these are Lots 21 and 22 from Stage 2 of Subdivision Consent RC235205) – 51dB LAeq; and
 - Immediately across Goulds on Edgar Way (adjoining where delivery vehicles enter the site) – 52dB LAeq.
99. As noted previously, the application has been reviewed on-behalf of Council by Marshall Day, who have confirmed that the predicted noise limits are reasonable. In their view, the operational noise effects of the proposal will have less than minor effects.
100. Operational noise is also a matter raised by MoE and Ryman. In my view, the technical assessments satisfactorily demonstrate that no operational noise effects are anticipated on MoE sites. Their distance from the application site, as well as the presence of approved residential development will avoid the proposal from directly affecting education activities.
101. In regard to Ryman's submission, I consider that the 2 dB exceed of nighttime noise limits, from post-closing car movements affecting properties on Goulds Road, will have minimal adverse effects. Furthermore, I concur with the acoustic assessments in that any related effects are further minimised by the minor scale of the exceedance, its infrequent nature, and that at-times such noise will form part of a noise environment affected by general traffic noise on Goulds Road itself. As such, I do not consider that any specific conditions requiring acoustic barriers or other treatments are warranted for this noise source.

¹² The Applicant previously offered a condition requiring any future hospitality activities at the site to provide their own Noise Management Plans, with a related restriction on closing hours (i.e., closed by 2200 hours). However, no such activities are provided for by the application and would require their own land use consents. Therefore, on the advice of Council, the Applicant has withdrawn this proposed measure.

102. Marshall Day have also identified that in the event that two-storey dwellings were constructed immediately adjacent to the loading bay (i.e. Lots 215 and 230), that noise levels in excess of 55 dB LAeq could be received at the upper storey façade, even with the proposed 2.3 metre high solid boundary fence. However, while this may generate adverse noise effects for those dwellings I note that the applicant has obtained the written approval of the landowner. As such, s104 requires that these effects are disregarded.
103. Based on these assessments, I consider that the operational noise effects will be acceptable and can be managed by the recommended conditions.

Visual Amenity, Character and Landscape Effects

104. The Applicant has provided an architectural assessment by ASC Architects (**ASC**), a Landscape Design Statement by Kamo Marsh Limited (**Kamo**) and an urban design by Planz Consultants Limited (**Planz**). The AEE details how these assessments have been undertaken, including the tension better the day-to-day functioning of the site and achieving a high quality design outcome.
105. The AEE identifies that a key driver for the proposal's design has been a need to provide an identity and legibility to the site given its location in a new greenfield suburb and visual prominence. The elements to the proposal's form have been achieved through the use of differing heights, building scale, façade treatments, glazing and sign placement/scale. The proposal has been designed to face outwards, primarily to the northwards, with customer entrances opening onto the site's car park and further onto the reserve bordering the northern boundary.
106. The Applicant's assessments further comment that the use of setbacks, changing roof lines, glazing and differing façade materials allow the proposal to integrate with the surrounding area. These assessments also highlight the benefits of placing the 'back of house' towards the site's southern boundary, in so much that this arrangement reduces shading and visual dominance on the adjoining residential sites.
107. Turning to the proposal's landscaping, the AEE advises that the methodology employed has been based on supporting and encouraging the character of the new suburb. This would be achieved through providing places to rest on-site and providing connectivity for pedestrians and cyclists, while employing landscaping features (like river boulders) to reflect the character of Rolleston and the Canterbury Plains.
108. The Applicant further states that:
- "The Proposal has the potential to form an important neighbourhood focal point and provide a high amenity space and foster a sense of community. Connectivity is provided through the centre of the site and to integrate to Shillingford Boulevard roadside reserve and shared path to the north. The pathway will also provide connections to public transport users and integrate with wider pedestrian and cycling facilities in the wider road reserve, linking the Proposal to residential areas, schools, retirement homes and parks. Complementary pedestrian entrances are also provided at the vehicle entrance points on Goulds Road and Shillingford Boulevard that incorporate seating and bike stands."*
109. The AEE elaborates on the originally proposed landscaping treatments for each of the site's boundaries, that included:
- Northern boundary:
 - A 3.6m wide plant bed will be established with low planting to integrate with the Council's reserve and mitigate views of the car park from this boundary; and
 - A pedestrian pathway that runs from the northern boundary, through the car park and onwards to the main supermarket building.
 - North-western boundary:
 - A 1.2m wide plant bed will be planted to screen the car park from Shillingford Boulevard;
 - The outdoor area and ancillary retail tenancies will also provide a degree of modulation and further planting at this boundary; and
 - Pathway connections.
 - Southern boundary:
 - A 2.3m high acoustic fence will run along the boundary; and
 - Inside the fence there will be a 3m wide plant bed, featuring low level planting, and *Pittosporum euginoides* shrubs (12m maturity) and *Dodonaea viscosa purpurea* shrubs (6.0 maturity).

- Western boundary:
 - A planted buffer of between 1.8m to 2.8m depth is proposed along the boundary with *Pittosporum euginoides* shrubs (12m maturity) to screen the Supermarket building façade, and *Dodonaea viscosa purpurea* shrubs (6.0 maturity) to screen the smaller retail tenancies.
- Eastern boundary:
 - 2m wide planted strips with low level planting to soften views of the carpark;
 - *Magnolia grandiflora* 'Little Gem' trees will be planted in front of the staff car park to screen the security fencing present on that boundary; and
 - 1.0m high hedging consisting of *Griselinia littoralis* planted at 600mm centres between the 'click n collect' area and Goulds Road.

110. I note that the Applicant has also offered landscaping conditions that include a requirement to provide a Landscape Management Plan to Council for certification.
111. Regarding the proposal's urban design elements, the AEE identifies that the Commercial and Mixed Use Zones (**CMUZ**) provisions of the Partially Operative Plan have been employed to ensure an appropriate design response. Furthermore, the urban design assessment by Planz has also used the "Seven C's of the New Zealand Urban Design Protocol (2005)".¹³
112. In regard to the receiving "Context", Planz note that while the site is zoned as 'General Rural', it is an urban residential context that is most appropriate to apply to the proposal. However, as this is a greenfield location, the streetscape and related design values are not well established. Rather, there is an opportunity for the proposal to establish such values through its own design. This has driven a design response based on the use of a low-rise building, with glazed frontages, mixed façade materials, setbacks and landscaping. These elements, in Planz's opinion, reduce the dominance of the proposal from the surrounding public realm and adjacent residential sites.
113. In terms of 'Character', the AEE states that while the proposal differs in design and pattern from the surrounding residential developments it is commensurate with the local suburban context. This is enabled through again through the use of building mass, planting and use of 'fine grain retail'. As such, the AEE states that:
- "The Proposal is considered to provide an appropriate character for a suburban commercial centre and sits comfortably within the context of an emerging low rise residential suburb."*¹⁴
114. Turning to "Connections", Planz have identified that the proposal promotes connectivity at both a macro and micro scale. At a macro-scale, the proposal fits within Rolleston's wider urban form and roading network, while at a micro-scale it is integrated with the local pedestrian networks and public transport connections. I also note in relation to 'Edges' that the AEE reiterates earlier commentary regarding the landscaping and architecture responses to the site's boundaries and interfaces with other land uses.
115. The last urban design criteria that the Applicant has employed is 'Internals'. Planz consider that the design and layout is structured and logical. This includes a design that safely provides for the movement of both pedestrians and motor vehicles, as well as passive surveillance to and from the site. In conclusion, Planz considers that the proposed design appropriately balances both functional requirements and the provision of an attractive form.
116. I further note that the AEE includes a separate assessment of the application's signage, which employs the Partially Operative Plan's SIGN-MAT1 assessment criteria as guidance¹⁵. I concur that that criteria provides a useful benchmark to assess the proposed signage, which I consider significant when the entire proposal is considered. The Applicant has proposed a variety of signs, both for information and advertising purposes. The most visible of these is a 9m pylon sign located in proximity to the Goulds Road/ Shillingford Boulevard/East Maddisons Road roundabout (Sign 13) and a 7.5m pylon sign on Shillingford Boulevard (Sign 12)¹⁶.
117. The AEE considers that:
- "Proposed signage does not generate safety risk or adverse operational effects. Conversely, the purpose is to provide appropriate branding – as consistent with contemporary supermarket developments and assist in wayfinding and legibility through the site. Overall, the extent of adverse effects on the environment, including anticipated changes, would be considered in a commercial context to be less than minor."*

¹³ The Applicant has identified Context, Character, Connections, Edges and Internals as relevant to the proposal.

¹⁴ Pg 53, AEE.

¹⁵ Pg 45 – 46, AEE

¹⁶ Sign 12 was originally proposed as a 9m high pylon sign).

In a residential context, as provided by the Fast Track consents, the proposed signage is not incongruent within this environment. That conclusion is predicated on the scale and configuration of the Proposal as a whole, and that signage is predominantly buffered by both the arterial road network, landscaping and the Council landscaped road reserve.¹⁷

118. These assessments have been reviewed by Council's Urban Designer, Gabi Wolfer and Council's Landscape Architect, Xoë Tay.
119. Considering urban design matters first, while Ms Wolfer agrees (in part) with the Applicant's urban designer, there were aspects of the proposed design that required modification to improve the site's function and interaction with the surrounding area. I will discuss these urban design issues and suggested modifications below.
120. Firstly, Ms Wolfer has raised the CPTED and outlook issues (for properties on Goulds Road) associated with the 32m long and 1.8m high boundary fencing proposed at the staff car park¹⁸. The height of this fencing obstructs passive surveillance to and from the site at this location creating a potentially unsafe environment. This fence would not contribute to the amenity values at this location, particularly given the diminished outlook it will provide to dwellings and retirement village on the opposite side of Goulds Road. Given these issues, Ms Wolfer has recommended that this fence is reduced in height to 1.2m, which is consistent with the Partially Operative Plan's assessment criteria of CRUZ¹⁹. Similarly, Ms Wolfer recommends that the associated vegetation along this portion of the site is modified to plantings that will reach a lower height of 1.2m, again for improved CPTED.
121. Turning to the internal, southern and western edges, Ms Wolfer has recommended modifying the proposed landscaping to plantings that are a maximum of 3m height as to not unduly shade adjoining sites and support a high-amenity, commercial/ residential interface. However, I note that the landowner of the adjoining residential sites has provided their written approval. As such, under section 104(3)(a)(ii) these effects identified by Ms Wolfer must be disregarded.
122. Ms Wolfer has also commented on the façade treatment proposed, in particular the significant use of corporate colouring (i.e. green) as a brand presence to advertise the site's main occupant, Woolworths, with some 30% of the building's façade featuring this colouring. This proposed high use of colouring was considered to be out of context with a largely residential receiving environment, with Ms Wolfer noting a recent decision for a similar type of development where a reduced degree of corporate colouring on building facades was employed. Since Ms Wolfer's initial assessment, the Applicant has modified the façade treatments, and it is my understanding that this issue is now largely resolved.
123. While the Applicant has undertaken some design modifications in response to Ms Wolfer's comments, the following urban design matters remain outstanding²⁰:
- Signage
 - Reducing the height of the pylon signs on Goulds Road (9m proposed) and the single pylon sign on Shillingford Drive (7.5m proposed).
 - Accessibility and safety
 - Addressing the pedestrian desire line from Goulds Road through the 'click n collection' area.
 - Visual amenity/outlook
 - Further reducing the staff car park fence facing Goulds Road from 1.8m to 1.2m
124. I largely concur with Ms Wolfer that, while in principle the use and development of the site is appropriate from a visual amenity and character perspective, the proposed design needs further refinement to ensure that the related adverse effects are addressed. In my view, the signage and other design elements facing Goulds Road are of importance given the outlook from the residential properties opposite, the cumulate visual effects of the proposed design and the inappropriateness of the pylon signs' scale in a low-speed residential environment.
125. I have recommended two edits to the Applicant's proposed conditions in my recommendation, these being:
- Requiring both large pylon signs (signs 12 and 13) to be no more than 6m high; and
 - Requiring the staff car park fence to be no more than 1.2m.

¹⁷ Pg 46, AEE.

¹⁸ This fence was originally proposed with a 2.3m height.

¹⁹ Specifically, CMUZ-P4.

²⁰ Memo dated 20 August 2024 by Ms. Wolfer.

126. I have also undertaken a modification of the "safety audit" condition recommended by Ms Reid with the inclusion of an audit of the 'click n collect' area with regard to pedestrian safety. It is my view that these conditions would resolve the outstanding urban design issues identified by Ms Wolfer.
127. Ms Tay's initial comments identified three core areas of the proposal's landscape response that required addressing, including:
- Car park layout
 - A lack of bollards/bollards for the parking spaces adjoining the supermarket frontage;
 - Inadequate access arrangements for one of the proposed disability spaces;
 - Potential clashes between pedestrian shelters and lighting; and
 - The pedestrian desire line from Goulds Road through the 'click n collect' area.
 - Boundary treatment
 - Inadequate sized and spaced plantings along the residential boundaries; and
 - Inadequate landscaping along the Shillingford Boulevard frontage.
 - Planting strategy
 - Clashes between landscaping and lighting; and
 - Inadequate tree cover within the car park and boundary strips.
128. While Ms Tay supported the application, the above matters required further design responses from the Applicant to address potential landscape and related CPTED effects. Ms Tay has also reviewed the Applicant's updated landscape design and has commented the above issues have been addressed subject to the imposition conditions for the following²¹:
- A requirement for lighting for the pedestrian canopies to address CPTED effects;
 - A requirement for vehicle slowing measures within the 'click n collect' area to protect pedestrians; and
 - Limbing of trees to 1.2m for all car park and road boundary trees to ensure CPTED passive surveillance.
129. I concur with Ms Tay's assessment and have incorporated these measures into the recommended condition set.
130. Overall, I consider that the modifications sought by Ms Wolfer and controls requested by Ms Tay can be practically incorporated into the proposed design and would ensure that the proposal is appropriately integrated into the existing environment. I further believe that these modifications can be achieved by the recommended conditions.
131. Lastly these effects were also raised by Ryman whose site is located on Goulds Road and will have outlook onto the finished development. I consider that the further measures identified by the Council's technical experts would also address the visual effect comments made by this submitter.
132. Subject to the incorporation of the measures identified by above by way of the recommended consent conditions, the proposal will have no more than minor visual amenity, character and landscape effects.

Cultural Effects

133. The application has been reviewed by Mahaanui who have provided a Cultural Advice Report (Appendix 4). The report details the methodology that was employed to assess the application, which included use of the Mahaanui Iwi Management Plan 2013. The core issues identified by the report include:
- Water quality;
 - Waste management;
 - Soil conservation;
 - Contaminated land; and
 - Earthworks.
134. As a consequence, Mahaanui have identified a series of measures to ensure 'no more than moderate' adverse effects are generated. They have requested these measures as a mixture of conditions and advice notes as follows:

²¹ Memo dated 21 August 2024 by Ms. Tay.

Conditions:

- a) *There must be an appropriate system to treat runoff from hard stand areas to remove heavy metals.*
- b) *All stormwater generated from the solar panels and roof must be treated for heavy metals and other contaminants prior to discharge to ground.*
- c) *An accidental contamination discovery protocol must be in place during all works and strictly adhered to.*
 - i. *Any contaminated materials/soils found must not be reused on site.*
 - ii. *Contaminated materials/soils found must be disposed of offsite at a suitable facility.*
 - iii. *All fill required as part of the development must be clean fill.*
- d) *An accidental discovery protocol (ADP) must be in place during all earthworks required to exercise this consent to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).*
- e) *An Erosion and Sediment Control Plan (ESCP) should be constructed, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury.*
- f) *All contractors working on site must be made aware of these measures and strictly adhere to them.*
- g) *Where measures prove to be inadequate, works must cease until appropriate and effective measures are in place.*

Advice Notes:

- a) *The Consent Holder is encouraged to use predominantly indigenous species to increase the biodiversity in the takiwā.*
- b) *The Consent Holder must undertake appropriate maintenance to extend the life of the proposed solar panels. In addition, consideration must be given to appropriate disposal at end of life.*
- c) *The Consent Holder should incorporate the Ngāi Tahu Subdivision and Development Guidelines to the greatest practical extent. The development should incorporate sustainable urban design features with respect to stormwater runoff and greywater reuse including:*
 - *Greywater capture and reuse*
 - *Rainwater capture and reuse (i.e., rainwater collection tanks).*
 - *Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).*
 - *The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.*
 - *Avoiding the use of building material known to generate contaminants such as copper guttering and roofing.*

135. It is my understanding that the Applicant has adopted these conditions and advice notes, although with an amendment to the stormwater related condition so that it now states:

All stormwater generated from any solar panels and roof areas known to generate contaminants (such as copper guttering and roofing) must be treated for heavy metals and other contaminants prior to discharge. The amendment to Condition (a) as it is common practice to discharge stormwater to ground and will form part of a resource consent application to ECan in September 2024.²²

136. I concur with the applicant's amendment, noting that stormwater quality and treatment is a requirement of ECan Regional Plan rules, as well as any network discharge consent conditions should the proposal connect to the public stormwater network.

²² RFI Response, 5 August 2024.

Operational Transport Effects

137. The Applicant has provided an Integrated Transport Assessment (ITA) prepared by Stantec Limited (**Stantec**). The ITA, AEE and drawings have been reviewed by Novo Group Limited (**Novo Group**). In brief, the ITA and AEE have considered the following transport elements associated with the proposal:
- The existing and future traffic environment;
 - Carparking, loading and active modes; and
 - Trip Generation.
138. Firstly and like the other assessments, the ITA notes that the application site is located in area undergoing a transition from rural to urban land uses. Currently, both Goulds Road and Shillingford Boulevard are collector roads that connect to the wider road network servicing Rolleston. The area has limited public transport services, specifically a bus route between Lincoln and Rolleston on a 1hr frequency.
139. These existing transport conditions are anticipated to change significantly as the surrounding area's urbanisation nears completion. This includes likely increases in public transport services, improved walking and cycling connections and increases in road traffic. Both Novo Group and I agree with the ITA in that significant change can be expected in the local roading network.
140. Turning to the proposal itself, the ITA has identified that 184 on-site parking spaces are organised in a manner that will provide for their safe and efficient use. Within the car park, the Applicant has proposed five mobility spaces and four parent spaces immediately in front of the supermarket, while eight EV charging spaces have been provided for in proximity to the Goulds Road vehicle crossing. Novo Group has confirmed that the proposed parking arrangements are sufficient for the demand generated by the proposal, while internal circulation is adequate subject to a condition regarding limit lines at the vehicle crossings.
141. The proposal also includes infrastructure to support active transport modes. Specifically, this includes clearly articulated pedestrian paths through the site and integrated with the adjoining Council reserve, as well as bicycle parking outside the supermarket itself. In my view, this cycling and walking infrastructure has been appropriately positioned and designed to safely connect the supermarket the surrounding road corridors. The exceptions to this are the pedestrian desire line through the 'click n collect' area from Goulds Road and the roadside signage as previously detailed in my discussion of visual amenity, character and landscape effects.
142. The proposal also involves a dedicated service entry and loading areas that will run from Goulds Road to a new road corridor (that will serve a new residential subdivision). The separation of the loading/service area from public parking/access is an appropriate method to avoid potential conflicts with heavy goods vehicles. The Applicant has demonstrated that adequate on-site manoeuvring space has been provided within this area, as confirmed by Novo Group.
143. I do note that the ITA does identify that some loading/unloading may occur outside the retail premises near the Shillingford Boulevard vehicle crossing. Novo Group has identified that this activity, while infrequent, could compromise the flow of traffic within the site and has recommended that a Loading Management Plan is required to manage those potential effects. I concur with Novo Group and have included this requirement in the recommended conditions.
144. In regard to vehicle access to and from the site, aside from the crossings associated with the loading/service area, three vehicle crossings are proposed. Two of these crossing provide bi-directional traffic movements (one on each road boundary), while the third provides an exit point from the proposed 'click n collect' area. While Novo Group has confirmed that these crossings will enable the efficient movement of traffic, Ms Wolfer have identified safety issues with signage in proximity to the Goulds Road frontage. I concur with Ms Wolfer and have incorporated this requirement into the recommended conditions set.
145. The ITA has also addressed potential effects on the surrounding road network as result of the proposal's traffic generation. The modelling undertaken by Stantec indicates that the traffic flows to and from the application site will not significant affect the safe and efficient functioning of the road network. This includes approximately 20 to 30 truck movements per day, while minimal delays are expected to local road intersections, including the Goulds Road / Shillingford Boulevard and Goulds Road / Edgar Way intersections. Novo Group has commented that the local road network can satisfactorily accommodate additional traffic flows, which is due in part to the current high operational levels of efficiency and modern design of these roads.
146. I note that both MoE and Ryman raised operational transport effects in their respective submissions. Novo Group has advised that no effects are anticipated on MoE given both the current road layout (which are not located on either Shillingford Boulevard or Goulds Road) and the limited traffic volumes generated by the proposal. I concur with Novo Group in this regard.

147. Ryman have requested safe access from Goulds Road, which has been identified as an issue by Ms Wolfer given the potential conflicts between vehicles and pedestrians at the 'click n collect' area. As detailed earlier, I concur with Ms Wolfer and consider that this matter can be addressed by way of a safety audit condition.
148. In summary, I largely concur with the assessments of the Applicant and Novo Group. The operational transport arrangements proposed provide adequate parking and loading for the site in a manner that maintains the safe and efficient functioning of the surrounding road network. Furthermore, the proposed design provides for transport mode choice, with cycling and walking infrastructure provided. Subject to the recommended conditions, I consider that the proposal will have minimal operational transport effects.

Effects on rural production

149. I note that the proposal is located on land currently zoned "General Rural" in the Partially Operative Plan. However, while rural production is enabled within this zone, the site is not currently used for that land use and has already been cleared in preparation for urbanisation in accordance with the previously approved Fast Track consents.
150. Given the existing consent approvals and land clearance that has occurred (including removal of a water race), I do not consider that the proposal will have any effects on rural production. There is no irrigation infrastructure in place to support pastoral farming or cropping, while the site is located in a rapidly urbanising area. I further note that this issue was considered as part of the Fast Track consenting process, and I am not aware of any factors that would cause the current proposal to generate any effects greater than those previously assessed.

Effects on housing supply

151. The proposal is located on land that has approved resource consents for a residential development and associated subdivision, occupying 15 of 684 approved lots. While the proposal does result loss of 15 dwellings this must be viewed within the wider context of residential development in Selwyn.
152. The Selwyn District is the fastest growing population in Aotearoa New Zealand, with the majority of this growth occurring within Rolleston and its immediate environs. As such, I consider that the loss of 15 approved residential dwellings will not significantly affect housing supply in Selwyn and any such loss is offset by the provision of the new centre created by the proposal.

Economic Effects

153. The economic effects of the proposal, specifically its effects on existing commercial centres, was subject to an economic assessment by Property Economics Limited (PEL). That assessment has been reviewed on behalf of Council by Derek Foy of Formative Limited, who largely agrees with the methodology employed by PEL and has identified the following key issues that could generate economic effects:
- Whether a centre and supermarket of the scale proposed is appropriate on the site given its location within Rolleston;
 - The potential retail distribution effects of the proposed centre on the site; and
 - Whether it is appropriate to enable non-supermarket retail tenancies to co-locate with the proposed supermarket.
154. Mr Foy agrees with PEL's position that the quantum of sustainable floorspace in Rolleston will be supported by projected population growth. However, he does disagree with floorspace productivity (dollar sales per m² of GFA) employed by PEL. In his view, a higher rate of productivity is required to make the proposal commercially viable. Its commercial viability is also affected by other factors like land ownership/lease, construction costs and degree to which a new store will 'cannibalise' sales of other stores operated by the applicant. While Mr Foy disagrees with the floorspace productivity reached, he does agree that using his alternative calculations the proposal is still viable and an appropriate scale of development.
155. Turning to retail distribution, Mr Foy agrees that the proposal will not undermine the role of Rolleston Town Centre as the District's primary retail and commercial centre. Two supermarkets are located at Rolleston Town Centre (Woolworths and a New World brands) and in his view, there is sufficient demand for supermarket space that the proposal would not lead to the closure of those two existing supermarkets. He also notes that having a commercial presence at Rolleston Town Centre also provides a significant strategic value for those two commercial brands who would likely be unwilling to lose their presence in central Rolleston.
156. Mr Foy has also identified that Rolleston Town Centre is a well-established commercial centre, which since its establishment has become a robust town centre with its own economic functions. Mr Foy agrees with the PEL report, in that, the proposal will not have a material effect on the role, function, viability, vibrancy, and performance of any existing centre. To summarise, the retail distribution effects on the RTC arising from the proposal will be less than minor in scale, even when considering potential cumulative effects associated with the Rolleston 'Pak n Save' proposal.

157. In regard to retail distribution effects specifically in relation to the proposed non-supermarket retail activities, Mr Foy concurs with PEL's assessment that the proposed 375m² of convenience retail GFA will not give rise to adverse retail distribution effects on other centres. This scale of retail activity is well below the 1,000m² of retail GFA (in addition to the supermarket) that the PEL report has identified that would be sustained by the catchment's population (if it were provided on-site).
158. However, Mr Foy does disagree with PEL in regard to their statement that "would be more economically efficient if other smaller scale convenience needs could be satisfied at the same site, rather than scattered around numerous NCZs". In his view, the large and growing population within South Rolleston is of a size that can (and will) support a range of commercial centres.
159. Mr Foy notes there are neighbourhood centres in walking distance of the application site and that this zoning is and will remain important, while the consolidation of all retail demand at the subject site would be unwarranted. I do note that the Applicant has not sought such a consolidation of retail space demand, with only 375m² of the 1,000m² demand provided on-site. Given this, I concur with Mr Foy's finding that the provision of this non-supermarket retail floor area will not undermine the development and operation of future neighbourhood centres.
160. I concur with Mr Foy's assessment of the application, including the PEL report. On this basis, I consider that the economic effects of the proposal will be minimal, and no specific conditions are required to address these effects.

Positive Effects

161. The Applicant has identified the following positive effects generated by the proposal:
- Improved accessibility for the local community to retail and other commercial services;
 - Increased convenience with the provision of supermarket and other retail services at a single location;
 - Economic benefits arising from travel distance to reach the frequently required supermarket store offering, enhanced agglomeration benefits, greater land use efficiencies, reduced marginal infrastructure costs, and the creation of a well-functioning urban environment; and
 - The creation of a new neighbourhood centre to meet population growth.
162. Mr Foy has also identified benefits arising from reducing effects associated with congestion and commercial pressures on Rolleston Town Centre if they were retained as the only commercial centre of scale in Rolleston.
163. I concur with the positive effects identified by both the Applicant and Mr Foy.

Conclusion

164. In the context of the receiving environment, it is my view that the proposal's adverse effects will be no more than minor and can be duly avoided, remedied or mitigated through the proposal's design and by the recommended consent conditions. In particular, I consider that subject to the recommended changes to signage, access and boundary treatments required by the recommended conditions, the proposal will have minimal adverse effects on the visual amenity, character and landscape values of the local area. I further note that the transport effects are acceptable and can be readily managed through consent conditions and minor modifications to the design. Similarly, the operational noise effects of the proposal will be appropriately managed through modifications to the Applicant's proposed conditions, including those associated with opening hour restrictions.
165. I have also identified that the proposal will generate construction phase effects, although those effects will be managed through the use of an ESDMP, CNVMP and CTMP. I also note that the applicant has also offered a condition requiring engagement with the MoE during construction.

District Plans (section 104(1)(b)(vi))

Operative Plan – Objectives and Policies

166. The Applicant has provided a detailed assessment of the Operative Plan's objectives and policies on a thematic basis²³. I generally concur with Applicant's assessment and provide the following summary.

Natural Resources – Land and Soil/Vegetation and Ecosystems

- Objectives B1.2.1, B1.2.2, B1.2.3; and

²³ Pg 64 – 70, AEE.

- *Policy B1.1.2.*

167. The application site, while zoned for rural activities by the Operative Plan, forms part of a Fast Track consent site for residential activities. The site has been subject to preparatory works, including the removal of a water race, while it has not identified as highly productive land. On this basis, I concur with the Applicant that the proposal does not undermine the preservation of soil resources in the District. Furthermore, the use of an ESDMP will manage any effects associated with land disturbance, while no earthworks are required in riparian margins or scheduled features (e.g. a significant ecological area).

Physical Resources – Transport Networks

- *Objectives B2.1.1, B2.1.2; and*
- *Policies B2.1.2, B2.1.4(a), B2.1.6, B2.1.7, B2.1.9, B2.1.10, B2.1.17*

168. The proposal's transport design and related effects have been subject to assessment by Stantec and review by Ms Reid and Novo Group. As noted previously, the proposal's parking, vehicle crossings, pedestrian linkages and bicycle have been determined to be generally appropriate for the anticipated transport effects arising from the proposal's operation. In particular, the proposal will have minimal impact on the functioning of the adjoining road corridors, in part through appropriately scaled vehicle crossings and internal car park layout.
169. The proposal also largely provides for suitable loading arrangements through the use of a separate access for goods and courier vehicles from Goulds Road. This will minimise potential conflicts with customer movements, while allowing for the regular delivery of goods to the site. Novo Group has identified a potential conflict between internal circulation and goods vehicles in proximity to the Shillingford Boulevard vehicle crossing, with a recommendation for a condition imposing a Loading Management Plan. I concur with Novo Group in this regard and have incorporated this condition in my recommendation.
170. The site's pedestrian and cycling infrastructure have also been assessed by the transport technical experts, as well as by Ms Wolfer (from an urban design perspective). There is general agreement that an appropriate number of bicycle parking spaces have been provided, with these located in proximity to the supermarket entrances.
171. Dedicated pedestrian access has also been provided from the surrounding road networks, including a walkway from the new Council reserve. I also note that since lodgement, the Applicant has modified some of the proposed signage to improve pedestrian safety from Goulds Road. However, I concur with Ms Wolfer and Ms Tay's identification of a potential safety issue for pedestrian using the 'click n collect' area for access. As such, I have recommended a condition requiring a safety audit of this access point to address this issue and ensure pedestrian safety.

Physical Resources – Utilities and Waste

- *Objectives B2.1.1, B2.1.2, B2.4.2; and*
- *Policies B2.2.1, B2.4.2*

172. I concur with the Applicant's assessment of these objectives and policies given that the site can be served by utilities and that adequate on-site waste management has been provided for. I also note the utility comments of Ms Reid, who has recommended a series of conditions relating to 3 Waters servicing. I concur with Ms Reid and have adopted those conditions.

Health and Safety Values - Natural Hazards

- *Objectives B3.1.1, B3.1.2; and*
- *Policy B3.1.3.*

173. I largely concur with the Applicant's assessment, noting that the proposal's FFL will be located above the current modelled 200 ARI rainfall event flood levels. I note that Ms Reid has also recommended conditions requiring that the development meet Council standards to manage stormwater flows associated with 1% AEP storm events. I concur with Ms Reid and have incorporated this matter into the recommended conditions.

Health and Safety Values – Culture, Historic Heritage and Protected Trees

- *Objectives B3.3.1, B3.3.2; and*
- *Policy B3.3.3.*

174. I concur with the Applicant's assessment of this policy and have no further comments.

Health and Safety Values – Quality of the Environment

- *Objectives B3.4.1, B3.4.2; and*

- *Policy B3.4.1*

175. I concur with the Applicant's assessment of these objectives and policy. As detailed by the Applicant the Operative Plan's "quality of the environment" are associated with a rural zone that has been superseded by the approval of the underlying residential development's Fast Track Consent. This has consequently given the site an urban context for it to be considered against, rather than a rural outlook which these objective and policy are relevant to.
176. While I consider the proposed land use and general layout appropriate, I agree with both Ms Wolfer and Ms Tay that further refinement of the proposed design is required to appropriately address the related visual amenity, character and landscape effects. As such, I have incorporated conditions to address Ms Wolfer's and Ms Tay's comments.

Health and Safety Values – Rural Character

- *Policies B3.4.1, B3.4.3, B3.4.6, B3.4.9 and B3.4.10.*

177. As with "Health and Safety Values – Quality of the Environment" I concur with the applicant that these objectives and policies relate
178. The Operative Plan objectives and policies that I consider relevant relate to a rural environment that is largely no longer present given the approved greenfield development in the surrounding area. I also generally concur that the proposal is consistent with the amenity values and urban character established by recent resource consents. However, I also agree with Ms Wolfer and Ms Tay that further modifications by way of consent conditions are required to address the related visual amenity, character and landscape effects.

Health and Safety Values – Glare and Nightglow

- *Policy B3.4.11.*

179. I concur with the Applicant's assessment of this policy, noting that the imposition of a lighting plan is appropriate to address CPTED elements of the car park and 'click n collect' area. As such, I have recommended a condition requiring the consent holder to provide a lighting plan for Council certification at the building consent stage.

Health and Safety Values – Noise and Vibration

- *Policy B3.4.13.*

180. I concur with the Applicant's assessment of this policy. I also note that the Applicant has provided several conditions to control the site's operational noise, including the preparation of a Noise Management Plan.

Health and Safety Values – Dust

- *Policy B3.4.16.*

181. I concur with the Applicant's assessment of this policy and consider that the use of ESDMP is an appropriate management tool for construction phase dust effects.

Health and Safety Values – Shading and Setbacks

- *Policies B3.4.17 and B3.4.18.*

182. I generally concur with the Applicant's assessment of these policies, noting that the owner of the adjoining affected residential lots (Hughes Development Limited) has provided their written approval. As such, I have disregarded the effects and related policies associated with the building in relation to boundary infringement on those lots.

Health and Safety Values – Reverse Sensitivity Effects

- *Policies B3.4.20 and B3.4.21.*

183. I concur with the Applicant's assessment of this policies given the lack of rural production in the immediate area and the area's changing status from rural to urban land uses.

Health and Safety Values – Temporary Activities

- *Policy B3.4.23.*

184. I concur with the Applicant's assessment noting the construction management and mitigation measures that have been proposed and the adoption of the MoE notification condition offered by the Applicant.

Township Volume - Quality of the Environment

- *Policy B3.4.8.*

185. The Applicant has provided an assessment of this policy for completeness given that a new local centre will be created. I concur with the Applicant in that the proposal is of an appropriate scale and location to serve the community in a sustainable manner.

Township Volume - Residential and Business development

- *Policy B4.3.8.*

186. I concur with Applicant's assessment of this policy and agree that the activity is of an appropriate scale, location and function to meet local community needs.

187. Overall, I consider the proposal to be generally in keeping with the Operative Plan.

Partially Operative Plan – Objectives and Policies

188. The Applicant has provided a detailed assessment of the Operative Plan's objectives and policies on a thematic basis²⁴. I generally concur with Applicant's assessment and provide the following summary.

Strategic Directions

- *Objectives SD-DI-O1, SD-DI-O2, SD-DI-O5, SD-DI-O6, SD-UFD-01, SD-UFD-02, SD-UFD-03 and SD-UFD-04.*

189. I generally concur with the Applicant's assessment of these objectives. In particular, I agree that the proposal will provide a local centre that support the social and economic wellbeing of the local community. The proposal is well-connected to the surrounding network, including supporting active transport modes through pedestrian linkages and bicycle parking. The proposal has been designed for the safe and efficient movement of vehicle traffic, including the separation of the supermarket's loading bay from customer vehicle movements.

190. As detailed by PEL report and its review by Mr Foy, the proposal does not adversely affect the function and role of other urban commercial centres, especially Rolleston Town Centre. There is adequate demand for commercial activities at nearby neighbourhood centres. Furthermore, while the proposal is located within the GRUZ, the immediate location is part of a Future Development Area and is currently being developed in accordance with approval Fast Track consents.

191. Lastly, I agree that subject to conditions the proposal will be efficiently integrated with infrastructure networks and has been designed to address local flooding risk.

Transport

- *Objectives TRAN-O1 and TRAN-O2; and*
- *Policies TRAN-P3, TRAN-P4, TRAN-P5, TRAN-P7, TRAN-P9, TRAN-P10 and TRAN-P11.*

192. I generally concur with the Applicant's assessment of these objectives and policies. In particular, I note that the proposal can be safely and efficiently operated within minimal effects on the District's transport networks. The proposal provides for transport mode choice, including the provision of active transport infrastructure. An ITA has been provided by the applicant and reviewed by Novo Group, who advises that the transport effects are acceptable and can be managed by conditions.

193. The Applicant has sought to separate goods traffic from customer traffic. This has primarily been achieved through a dedicated entrance off Goulds Road for supermarket freight vehicles, a dedicated 'back of house area' and a separate exit onto a new residential road. Novo Group has identified a potential conflict between goods vehicles serving the smaller retail tenancies and the car park's operation and has suggested that a Loading Management Plan be imposed as a condition of consent. As stated earlier, I agree with Novo Group's assessment and have incorporated his recommendations into the condition set.

194. Lastly, both Ms Tay and Ms Wolfer have identified potential pedestrian safety issues associated with proposed signage and the 'click n collect' area. As previously detailed, I have recommended a condition requiring a safety audit of this area prior to the opening of the supermarket. In my view, this would also address Ryman's submission.

Hazards and Risks

- *Objectives CL-01, NH-01; and*
- *Policies NH-P1, NH-P3, NH-P10 and NH-P13.*

²⁴ Pg 70 – 82, AEE.

195. The application site has not been identified as subject to soil contamination based on the earlier approved Fast Track consents. In addition, the proposed buildings have been designed for FFL 300mm above ECan's projected 2% AEP rainfall event conditions. Ms Reid has reviewed the application and advised that it is the Council's standard requirements that all infrastructure is designed for storm events up to and including the critical duration 1% AEP storms. It is my understanding that this matter can be addressed by Ms Reid's recommended conditions.

Historic Heritage and Natural Environment Values

196. I agree with the Applicant's statement that the site is not subject to any historic heritage or natural environment features. As such, I do not consider that further analysis of the Partially Operative Plan's related objectives and policies is required.

General District Wide Matters – Earthworks

- *Objective EW-01; and*
- *Policies EW-P3 and EW-P4.*

197. I concur with the Applicant's assessment. The proposal's potential dust, erosion and sediment discharge can be appropriately managed through the use of the ESDMP. These construction related effects will be temporary, while the Applicant has offered a pre-works notification condition to address the MoE's submission regarding these potential effects.

General District Wide Matters – Light

- *Objective LIGHT-01; and*
- *Policies LIGHT-01 and LIGHT-02.*

198. I concur with the Applicant's assessment, noting that no infringements to the Partially Operative Plan's lighting standards has been sought. I do note that the two pylon signs will be internally lit, and I agree with the Applicant that a condition requiring that they remain unilluminated outside the supermarket's hours of operation is appropriate.

General District Wide Matters – Noise

- *Objective NOISE-01; and*
- *NOISE-P1.*

199. I concur with the Applicant's assessment. In particular, while the proposal does not comply with the Partially Operative Plan's residential standards it is my understanding that it will comply with the GRUZ noise standards. The Applicant's noise assessment has also been reviewed by Marshall Day who have confirmed that the projected noise levels will be reasonable and can be managed by conditions and Noise Management Plan.

General District Wide Matters – Signs

- *Objective SIGN-01; and*
- *Policies SIGN-P1 and SIGN-P3.*

200. It is my view that the proposed signage remains of a scale that is out of context for a low speed residential urban environment. This includes the pylon signs, most notably the 9m pylon sign on Goulds Road and 7.5m pylon sign of Shillingford Boulevard (Signs 12 and 13). I consider that a reduction in the height of both pylon signs required to minimise any cumulative visual effects and maintain local visual amenity. As such, I have recommended a condition that requires both signs to be no higher than 6m.

General District Wide Matters – Urban Growth

- *Objectives UG-01, UG-02; UG-03; and*
- *Policy UG-P15*

201. I generally concur with the Applicant's assessment. In particular, I acknowledge that while the proposal is located within the GRUZ, the existing environment is one of greenfield residential development rather than productive farmland. There is an evident need for the new community being established to be served by new commercial premises. The proposal will provide a supermarket and ancillary retail services that will be readily accessible to local residents through a variety of transport modes. While the proposal does involve the loss of 15 residential lot, this loss must be considered within the wider context of the large-scale urbanisation underway in South Rolleston.

202. Furthermore, the site is located within a Development Area (DEV-RO3 - Rolleston 3). While the Partially Operative Plan identifies that this area is primarily to be used for medium residential density development, I consider that the Applicant has identified the need for a commercial centre at this location to serve the community. Furthermore,

the Applicant's economic assessment, as confirmed by Mr Foy, confirms that the creation of a new commercial centre will not undermine the function of Rolleston's other commercial areas and will provide direct benefits to residents.

203. The appropriateness of the proposed urban land use is further confirmed by the integrated of the proposal with both utility networks and the transport network. The Applicant has demonstrated that the proposal can be serviced by local infrastructure, subject to the conditions recommended by Ms Reid. Furthermore, Novo Group has detailed that the transport effect of the proposal will be minimal and can also be addressed by conditions.

General Rural Zone

- *Objective GRUZ-O1; and*
- *Policies GRUZ-P1, GRUZ-P4, GRUZ-P5, GRUZ-P7.*

204. I generally concur with the Applicant assessment in regard to the GRUZ and recognise that the underlying zone is currently inconsistent with the approved urban land use approved under Fast Track legislation. Regardless, I have considered these rural objectives and policies.
205. I agree with the Applicant that many of the provisions of GRUZ-O1 and GRUZ-P1 are redundant given the previous approved site works, the lack of any current primary production on-site, the lack of adjoining rural activities and limited remaining rural character.
206. As with the Applicant, I consider the proposal to be in tension with GRUZ-P5, which relates to 'economic activity' and requires activities to avoid the establishment of a commercial activity greater in scale than a rural home business unless there a functional or operational need to be located in the GRUZ.
207. Given the direction set by the Supreme Court²⁵, 'avoid' policies like GRUZ-P5 set a high bar for activities to pass. In this instance, I agree with the applicant that although the site is situated within the GRUZ, previous consent decisions have created an existing environment that is not rural in character or land use. Rather this environment is undergoing rapid urbanisation and has been identified by the Partially Operative Plan as a development area. However, GRUZ-P5 does not include a clause that enables new urban activities, where other urban activities have been previously approved. As such, it is my opinion that that the proposal is inconsistent with GRUZ-P5.

Residential Zones

- *Objective RESZ-O1 and RESZ-O5; and*
- *Policies RESZ -P3, RESZ-P5 and RESZ-P17*

208. Given the proximity of the proposal to residential sites I consider it appropriate to also assess the proposal to the Partially Operative Plan's residential zone objectives and policies. Objective RESZ-O1 seeks living environments that are safe, convenient, pleasant in a manner that meet the needs and preferences of the community. This is elaborated by RESZ-O5 which seeks a quality built form. The related policies require a built form that is of an appropriate local scale, that development provides for attractive and safe streets and that non-residential activities are compatible with the planned urban form.
209. In my view, the proposal is generally consistent with these residential objectives and policies given the bulk and location of the supermarket, the extensive landscaping that will be planted and integration with the adjoining Council reserve. However, I concur with Ms Wolfer's assessment that the proposed staff car park fence and pylon signs (Signs 12 and 13) require further modification to ensure the integration of the proposal with the surrounding residential area. As such, I have incorporated Ms Wolfer's suggested modifications as part of the recommended conditions. Subject to these changes to the pylon signs and fencing, I consider that the proposal will appropriately integrate with the local streetscape and built form.
210. Overall, I consider the proposal to be generally in keeping with the Partially Operative Plan. As detailed above, the proposal generally consistent with the Plan, the exception being GRUZ-P5 as the policy does not provide for commercial activities of the scale proposed in the GRUZ.

²⁵ *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38

Other Relevant Documents (section 104(1)(b)(i)-(v))

Canterbury Regional Policy Statement (CRPS)

211. The District Plans give effect to the relevant higher order documents, including the CRPS. The Applicant has provided a detailed assessment of the proposal against the CRPS²⁶, including discussion of the following objectives:

Chapter 5 – Land-Use and Infrastructure

- *Objective 5.2.1; and*
- *Policy 5.3.7*

Chapter 6 – Recovery and Rebuilding of Greater Christchurch

- *Objectives 6.2.1, 6.2.2, 6.2.5, 6.2.6*
- *Policies 6.3.1, 6.3.5 and 6.3.6*

212. I generally concur with the Applicant's assessment the CRPS, noting the similarity in issues and assessment undertaken against the provisions of the Operative and Partially Operative Plans. As such, I rely on the Applicant's assessment and my previous assessment of the application against the District Plans.
213. Further to the Applicant's and my own assessment, I note that ECan's submission identified a series of objectives and policies of the CRPS. In ECan's opinion, the importance of the Future Development Area and Greenfield Priority Areas as tools to manage the region's urban growth, and that the proposal is not in accordance with the Operative Plan's Outline Development Plan as it is for a land use other than residential development. ECan seek the following:

To test, through the hearing process, the section 32 analysis and the economic analysis provided by the applicant:

- to give careful consideration to the likely economic and retail distribution effects.*
- to determine whether, and to what extent the expansion of commercial activities on this site could undermine the existing KAC, and neighbourhood centres and*
- iii) in particular, to determine whether this proposal would adversely affect the function and viability of the Rolleston Key Activity Centre.*

214. In response, I consider that both the Applicant's, Mr Foy's and my own assessment has adequately identified that the proposal will have minimal effects on other commercial centres and that its location is appropriate to serve a rapidly growing local community. As such, I again consider the proposal consistent with the CRPS and no further analysis is required.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

215. The NES-CS was discussed earlier in this report, with my conclusion being that the application site is not a HAIL site and resource consent under the NES-CS is not required.

National Policy Statement on Urban Development (NPS-UD)

216. The Applicant has provided an assessment of the proposal against the Objectives and policies of the NPS-UD, in particular:
- Objectives 1, 4, 6 and 8; and
 - Policies 1 and 6.
217. I generally concur with the Applicant. In my view, the proposal will support the development of a well-functioning urban environment. The proposal largely integrates with the consented residential urban form of the surrounding sites, through the site layout, building scale and positioning, transport integration, providing for transport mode choice and landscaping.
218. However, as discussed earlier it is my view that the further design modifications are required to better integrate the proposal with a residential urban environment. This includes changes to the proposed signage, fencing and

²⁶ Pg 58 – 62, AEE.

pedestrian access by way of consent conditions. Subject to the recommended conditions, it is my view that the proposal would be consistent with the NPS-UD.

Section 104(1)(c) – Other Matters

Rolleston Structure Plan

219. The Applicant has provided an assessment against the Rolleston Structure Plan. I largely concur with that assessment and agree that the proposal will provide for an appropriately located and scaled commercial centre that meets the needs of the local community. As confirmed by Mr Foy, the proposal will not impact the function of Rolleston Town Centre, while it is also of a scale that does not undermine the development of new commercial centres in Rolleston's greenfield areas.

Mahaanui Iwi Management Plan 2013

220. The Cultural Advice Report by Mahaanui contains a detailed analysis of the application against the Mahaanui Iwi Management Plan 2013. I concur with their assessment and consider that it suitably addresses the relevant clauses of the Management Plan.

Section 104D 'Threshold Test' – Non-complying activities

221. Section 104D states that a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that *either* the adverse effects on the environment will be minor *or* the application is for an activity that will not be contrary to the objectives and policies of *both* the operative and proposed district plans.
222. I have concluded that the adverse effects of the proposal on the environment will be no more than minor, subject to the recommended conditions.
223. I have also concluded that the proposal will be generally consistent with the objectives and policies of the Operative Plan (Rural Volume). I have also employed a holistic approach to the Partially Operative Plan, and while there is an inconsistency with GRUZ-P5 I consider that the proposal is generally consistent with this Plan.
224. Therefore, the application passes both arms of section 104D.

Part 2 – Purpose and principles

225. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.
226. The purpose of the Act is contained within section 5, and it is to promote the sustainable management of natural and physical resources. *Sustainable management* means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
227. The other sections of Part 2, sections 6, 7 and 8, address matters of national importance, other matters and Te Tiriti o Waitangi (the Treaty of Waitangi) respectively.
228. The relevant District Plans have been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes; therefore, taking into account relevant case law, I consider that assessment under Part 2 is unlikely to be necessary. For the sake of completeness, however, Part 2 is briefly assessed below.
229. In addition to section 5, I note that the following clauses of Part 2 would be particularly relevant:

- 6(h) *the management of significant risks from natural hazards;*
- 7(b) *the efficient use and development of natural and physical resources;*
- 7(c) *the maintenance and enhancement of amenity values; and*
- 7(f) *maintenance and enhancement of the quality of the environment.*

230. Based on my assessment of the proposal in this report, I conclude that the proposal will be consistent with Part 2 of the Act, subject to the modification of signage and other related urban design elements. This is due to the proposal avoiding any significant risk of flooding, while its scale and location will provide for a new commercial hub that will not diminish the existing (and planned) centre framework in Rolleston.

231. While the proposal does generate some effects on local amenity values, these effects can be readily addressed by the modification of signage and urban design elements. The proposed design does incorporate acceptable levels of landscaping to integrate it with the adjoining road corridors, residential sites and the Council reserve. Furthermore, the wider amenity and environmental quality effects of the proposal can be managed by conditions of consent.

Conclusions

232. The application is for the establishment and operation of a new supermarket and accessory retail premises in South Rolleston. The proposed activities and development is located in the Inner Plains and General Rural Zones, with consent required under both the Operative and Partially Operative District Plans. This includes consent for infringements to building coverage, setbacks, earthworks and transport related requirements.
233. Overall, land use consent is required for a non-complying activity.
234. The proposal will have no more than minor adverse effects on the environment, subject to the recommended conditions, in particular associated with urban design and signage. The application has been reviewed by the Council's technical experts, who largely support the application subject to consent conditions.
235. Three submissions were received following public notification of the application. These submissions commented on the construction phase effects of the proposal, its integration with approved residential development (including a retirement village) and its degree of consistency with the CRPS and lower order documents. In my view, the proposal is appropriate, and the matters raised by submitters can be addressed by the recommended consent conditions.
236. The application is generally consistent with the Operative and Partially Operative District Plans. The application is inconsistent with GRUZ-P5, which requires non-rural activities to be avoided in rural areas unless they have an operational or a functional need. While the application is located in the General Rural Zone, the receiving environment is not rural. Rather, application is located within the boundaries of an approved greenfield residential development, while the surrounding land are also within varying stages of urbanisation which renders the purpose of GRUZ-P5 moot.
237. The application is also consistent with the CRPS and NPS-UD. In particular, the application provides for a local centre that will support the local community without detrimentally impacting either Rolleston Town Centre or nearby neighbourhood centres. In addition, the application is consistent with the Rolleston Structure Plan and Mahaanui Iwi Management Plan 2013
238. Lastly, given that no more than minor effects are anticipated, and the proposal is generally consistent with the relevant objectives and policies, the application meets both tests of section 104D for non-complying activities.
239. Having considered all relevant matters, on balance and overall, I conclude that the application may be granted, subject to conditions of consent

Recommendation

240. I recommend that land use consent RC245088 is **GRANTED**, pursuant to sections 104B and 104D of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108 and 108AA of the Act.

Conditions of Consent

RC245088 Land Use Consent Conditions

General Conditions

1. Except where modified by conditions, the development must proceed in general accordance with the information and plans submitted with the application, including the further information/amended plans submitted. The Approved Plans have been entered into Council records as RC245088 (X pages) and include the following:
 - a) Location Plan, Site Plan, Floor Plans, Elevations, Recession Planes & Signage, and Exterior Materials (ASC Architects, Project Number 23826, Sheets RC01 to RC0X, dated XX XXXX 2024);
 - b) Landscape Resource Consent Package dated 22 August 2024 (Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision H, Landscape Master Plan and Specimen Tree Plan);

- c) Assessment of Environmental Effects by Planz Consultants Limited and associated technical reports dated 16 February 2024; and
- d) Further Information Response Letter from Planz Consultants Limited dated 22 April 2024.

Construction Management

1. All earthworks authorised by this consent shall be undertaken in general accordance with the current edition of Environment Canterbury's Erosion and Sediment Control Toolbox, and the Erosion, Sediment and Dust Management Plan (ESDMP). This shall be submitted to the Selwyn District Council for certification at least 15 Working Days prior to any land disturbance associated with RC245088 commencing.

The ESDMP must include:

- a) Minimising the amount of disturbed material and open ground;
 - b) Controlling run-off water from flowing across the site and disturbed open earthworks where practical;
 - c) Separating clean run-off water from adjacent road and properties from on-site run-off;
 - d) Avoiding surface erosion by protecting any exposed areas from overland run-off, effect of heavy rain events and wind blow;
 - e) Preventing sediment from leaving the Site by directing water to remain on-site and avoiding run-off and loose sediment from reaching adjoining properties;
 - f) Covering stockpiles and open ground with appropriate material when exposed for a length of time and / or prone to wind erosion;
 - g) Removing stockpiles from site as soon as possible. Stockpiles will be kept tidy and constructed in a safe manner, noting that they must not be greater than 4m in height and have a stable slope;
 - h) Covering excavated access formation with a running course as soon as possible to reduce potential erosion; and
 - i) Inspection and monitoring of control measures, and rectification works as necessary.
2. The Consent Holder must implement best practicable option measures to avoid or mitigate the dispersal and deposition of dust from construction and earthworks activities beyond the boundaries of the Site.
 3. The Consent Holder must implement best practicable option measures to avoid or mitigate the discharge of sediment laden runoff beyond the boundaries of the Site.
 4. The Consent Holder must ensure that a Construction Traffic Management Plan (CTMP) is prepared in accord with Waka Kotahi's Code of Practice for Temporary Traffic Management procedures. The objective of the CTMP is to provide specific details and management responses as to the site-specific design, implementation, maintenance and removal of temporary traffic management measures whilst construction work commissioned by RC245088 is carried out on the road corridor (road, footpath or berm). The CTMP must be submitted to the Selwyn District Council for certification at least 15 Working Days prior to any construction works commencing that affect the normal operating conditions on the roading network.
 5. The Consent Holder must formally provide written confirmation to Lemonwood Grove and Waitaha Schools, via the Principal of each school, of notice of works commencing, at least 15 working days prior to any construction works commencing. The Consent Holder shall formally provide written confirmation to the Ministry of Education, via resource.management@education.govt.nz, of notice of works commencing, at least 15 working days prior to any construction works commencing.
 6. In the event that visual or olfactory evidence of contamination is identified, which was not anticipated by the previous soil contamination investigations undertaken on the Site, the works must immediately cease within 10m of the contamination. Works must not recommence in this area until the Consent Holder commissions a suitably qualified and experienced contaminated land practitioner to assess the contamination, and their necessary recommendations to ensure human health have been implemented by the Consent Holder.
 7. Any contaminated soils removed from the site must be disposed of at a consented facility whose waste acceptance criteria would be met. Evidence of waste disposal, such as weighbridge receipts, must be submitted to Selwyn District Council within two months of completion of works.

8. An accidental discovery protocol (ADP) must be in place during all earthworks required to exercise this consent to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014). Refer Appendix 1 – Accidental Discovery Protocol (as below).
9. The Consent Holder must submit a Construction Noise and Vibration Management Plan (CNVMP) to be reviewed and certified by the Council. The objective of the CNVMP is to identify, require and enable the adoption of the best practicable option to minimise adverse construction noise and vibration effects. The CNVMP must include details of all mitigation measures to ensure compliance with consent conditions. The CNVMP must be prepared with reference to Annex E of NZS 6803:1999 Acoustics – Construction Noise and must address the following matters as a minimum:
 - a) The consented construction noise and vibration limits;
 - b) Limitations on working hours;
 - c) Minimum separation distances for compliance for all noisy equipment and heavy plant;
 - d) Details of noise and vibration mitigation measures;
 - e) Details for advising the occupiers of the neighbouring buildings of the works, including timeframes and when the highest noise and vibration levels can be expected;
 - f) Procedures for response to concerns from neighbours and dealing with any complaints;
 - g) Procedures for any noise and vibration monitoring to be undertaken during the works; and
 - h) Details for ensuring that contractors and operators on site are aware of the requirement to minimise noise and vibration effects on the neighbouring sites.

Landscaping

10. A minimum of 15 working days prior to construction commencing on the Site, the Consent Holder must submit a detailed landscape plan and specification to the Selwyn District Council for certification. The objective of the detailed landscape plan is to provide the planting specifications, methods and ongoing management and maintenance schedule to achieve the outcomes of the landscape plan referred to in Condition 1(ii). The detailed landscape plan shall include the following:
 - a) It is in general accordance with the Landscape Plan (Condition 1(ii));
 - b) A detailed planting schedule identifying the grade of trees by height and calliper, and all landscape plants that are to visually soften the building by grade, botanical name, quantity and spacings;
 - c) Details of tree pit design, including custom tree pit '*Laurus nobilis*' (as shown on Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision H, Landscape Master Plan and Specimen Tree Plan Notes Item 4), landscape irrigation, and tree protection measures from vehicles, pedestrians, and shopping trolleys; and
 - d) A landscape management plan identifying:
 - i. Landscape maintenance plan / schedule for the first three years of establishment from date of planting to ensure landscape planting is well established after three years, including:
 - All roadside boundary and carpark trees to be limbed to 1.2m as they reach maturity including three *Magnolia grandiflora* 'Little Gem' adjoining Goulds Road fronting the Click 'n Collect (as shown on Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision H, Landscape Master Plan and Specimen Tree Plan Notes Item 3,) and provides adequate coverage, plant health and vigour;
 - Provision of root barrier along only the interface of the carpark to the planted area associated with the northeast boundary of the carparking area to Shillingford Boulevard (i.e. no root barrier is required at the interface of the planted area fronting the Shillingford Boulevard Reserve);
 - A regular maintenance and trimming schedule for any trees within 6m to the carpark lighting posts to ensure landscape planting is well established but maintains illuminance for the proximate carparking area;
 - ii. Ongoing landscape maintenance to ensure all trees are maintained to reach their full height and form.

- e) If no response is received from Selwyn District Council after 10 working days of submission, the detailed landscape plan and specification must be treated as certified.
11. Prior to any retail activity commencing at the Site, the proposed landscaping must be established in general accordance with the detailed landscape plan and specification certified under Condition 10.
12. All specimen trees identified on the Tree Species list (Condition 1(ii)) must be a minimum height / scale at the time of planting, as follows:

Latin Name	Common Name	Scheduled Size
<i>Carpinus betulus</i> 'Fastigiata'	European Hornbeam	2200/45L
<i>Dodonaea viscosa</i> purpurea	Purple Ake Ake	1500/12L
<i>Griselinia littoralis</i> (hedge)	Kapuka/Broadleaf	700/6.0L, spaced at 600mm centres
<i>Laurus nobilis</i>	Bay Laurel	2200/35L
<i>Magnolia grandiflora</i> 'Little Gem'	Magnolia Little Gem	1800/45L
<i>Pittosporum eugenioides</i>	Lemonwood / Tarata	2500/45L
<i>Podocarpus totara</i>	Tōtara	2200/35L
<i>Prunus</i> 'Amanogawa'	Upright Flowering Cherry	2200/45L

Once established, the trees must be allowed to grow to their full natural height, except as required by Condition 10.

13. All required landscaping must be maintained. Any dead, diseased or damaged landscaping must be replaced immediately with plants of similar species. If any tree dies within the first three years they must be replaced with the same species and grade within the next available planting season in accordance with the certified Landscape Plan.
14. As shown on ASC Architects, Project Number 23826, Sheets RC01 to RC0X, dated XX XXXX 2024, interface fencing with Goulds Road adjoining the Courier / Staff Parking area must consist of a maximum 1.2m high 'powder coated fence' in 'Interpon Futura D2525 Ordos Sable (RGB 124,89,65, LRV 15%)' and permeability not being less than 50%. This fencing must be maintained in good order, including being free of graffiti and must not be used for signage or advertising.

Signage

15. Signage must proceed in accordance with the information and plans submitted as ASC Architects, Project Number 23826, Sheets RC10, dated XX XXXX 2024), including that:
- a) Signs numbered as No.7, No. 8 and No.10 do not exceed 800mm (w) x 1000mm (h);
 - b) The Sign numbered as No.9 does not exceed 3.0m² and does not extend beyond the Click 'n Collect canopy roofline; and
 - c) The Pylon Signs adjoining the access to Shillingford Boulevard and Goulds Road do not exceed a height of 6m (Signs 12 and 13).
16. All signs must remain unilluminated between 0700 hours and 2200 hours.

Transport

17. Car parking, cycle parking and access must be established in general accordance with the approved Site Plan (Condition 1), including carparking spaces to be provided on site and a minimum of:
- a) 5 mobility impaired parking spaces; and
 - b) 38 cycle parking spaces to be provided on-site.
18. The Consent Holder must inform all delivery drivers under its direct control that access for semi-trailers is restricted to entering the Site via the Goulds Road service access, with exit via a right turn to Road 7 in Arbor Green, and a right turn onto Shillingford Boulevard.

19. The Consent Holder must ensure that no obstruction of more than 1m in height is located within visibility splays in order to ensure drivers and pedestrians / cyclists have suitable intervisibility of one another as set out below:
- a) For pedestrian and driver intervisibility a 2m-wide x 5m-long visibility splay at each of the following accesses.
 - i. Exit side of the two-way Goulds Road car park access;
 - ii. Both sides of the one-way Goulds Road pick up exit;
 - iii. Exit side of the two-way Goulds Road service access; and
 - iv. Both sides of local road truck exit.
 - b) For cyclist and driver intervisibility a sightline on all access exit lanes to Goulds Road. The sightline must be measured as follows to both directions on the shared path:

From the centre of the exit lane 3m back from the edge of the shared path to the centre of the shared path at a location 25m along the shared path from the centre of the exit lane.
- Advice Note:** *There is no specific requirement at the Shillingford Boulevard access as the pedestrian path is separated from boundary.*
20. Prior to the opening of the accessory retail units, the Consent Holder must provide to Selwyn District Council a Loading Management Plan for certification. The objective of the Loading Management Plan is to ensure that freight deliveries to the accessory retail units does not affect the functioning of the Shillingford Boulevard vehicle entrance. The Loading Management Plan must be implemented for the duration of the accessory retail units' use.
21. Prior to the opening of the supermarket to public sales, the Consent Holder must undertake a safety audit of the 'click n collect' area at the Consent Holder's expense. The purpose of the audit is to identify measures to improve pedestrian safety through and within this site area. The audit must be provided to Council for certification and any safety measures must be implemented prior to the supermarket opening.

Lighting

22. Prior to the issue of a building consent for the supermarket and/or accessory retail units, the Consent Holder must provide to Selwyn District Council a Lighting Plan for certification. The objective of the Lighting Plan is to ensure that lighting provides for safe movement of vehicles and pedestrians to and through the Site, as well as addressing light spill onto the surrounding area. The Lighting Plan must contain the following:
- a) Drawings and information regarding the lighting under the carpark pedestrian canopy and 'click n collect' canopy; and
 - b) Drawings and information of the artificial outdoor lighting design, including confirmation that the calculated maximum horizontal and/or vertical illuminance at the boundary of any adjoining property is less than 5 lux during the hours of darkness from 6000 hours to 2200 hours and less than 1 lux during the period from 2200 hours to 0600 hours.
23. All security lights must be directed into the Site and away from neighbouring properties.

Development Engineering and Servicing

24. The Consent Holder must ensure that the finished floor level for the proposed building is at least +40.80 LVD37.

Advice Note: *The finished floor level above may require updating once flood modelling for the adjoining subdivision has been completed. The Consent Holder is advised that modification of the building's floor levels, and a new Flood Assessment Certificate may be required once further flood modelling is completed. These modifications may also require an application under section 127 of the Resource Management Act to change Condition 1 of this decision. This Condition does not apply to the loading dock canopy or the 'click n collect' area.*

25. The engineering design plans and specifications for all works must be submitted to the Development Engineering Manager for engineering approval. No related work must commence until engineering approval has been confirmed in writing. Any subsequent amendments to the plans and specifications must be submitted to the Development Engineering Manager for approval.

26. The engineering design plans and specifications for all works must be submitted to the Development Engineering Manager for approval including, but not limited to:
- a) Water supply;
 - b) Sewerage;
 - c) Stormwater;
 - d) Roading, including streetlighting and entrance structures;
 - e) Upgrade of existing road frontages;
 - f) Shared accessways; and
 - g) Landscaping and irrigation.

No related works must commence until Engineering Approval has been confirmed in writing. Any subsequent amendments to the plans and specifications must be submitted to the Development Engineering Manager for approval.

27. All work must comply with the conditions set out in the Engineering Approval and be constructed in accordance with the approved engineering plans.
28. All work must comply with the Engineering Code of Practice, except as agreed in the Engineering Approval.
29. The Consent Holder must include with the engineering plans and specifications submitted for Engineering Approval, copies of any other consents required and granted in respect of this subdivision, including any certificate of compliance or consent required by Canterbury Regional Council.
30. The Consent Holder must provide accurate 'as built' plans of all services to the satisfaction of the Development Engineering Manager. All assets being vested in Council must be provided in an appropriate electronic format for integration into Council's systems. Any costs involved in provision and transfer of this data to Council's systems must be borne by the consent holder.
31. The Consent Holder must provide a comprehensive electronic schedule of any assets to be vested in the Council to the satisfaction of the Development Engineering Manager. The schedule must include but not be limited to installed material unit costs, type, diameter, class, quantity and include summary details.
32. All vested roading infrastructure must be constructed in accordance with a Safe System Audit that must be supplied at time of Engineering Acceptance. An audit must be undertaken by an independent assessor at the consent holder's expense, with the report provided to Council prior to Engineering Acceptance.
33. The Consent Holder must install stormwater reticulation treatment and disposal systems to service the proposed development in accordance with the requirements of any resource consent issued by Canterbury Regional Council.
34. Private water reticulation infrastructure inside the boundary must be sized assuming 310kPa at the point of supply to the SDC water network (upstream of the RPZ). All water for firefighting sprinkler systems must pass through a private storage tank prior to further pumping unless otherwise formally agreed to in writing by the Selwyn District Council (during the Building Consent stage).
35. The dedicated firefighting system must not be supplemented via the Selwyn District Council's water supply. Where a private water tank is required to supplement the requirements of the private firefighting system all water for firefighting sprinkler systems shall pass through that storage tank prior to further pumping. The fire sprinkler system water storage tank volume must be sized for the full firefighting volume requirements of the sprinkler system and must have an orifice plate/restriction on the inlet to the tank so that the tank is limited to refill in 6 hours."
36. A single 63mm water connection for the use of potable water supply to the property is permitted to supply the development site with potable water. This connection must be metered and must have the appropriate backflow prevention fitted as prescribed by Council Policy W213 – Backflow Protection at Point of Supply Policy.

37. A flow meter and privately owned and maintained RPZ backflow preventor must be installed at the Selwyn District Council point of supply at the road reserve/allotment boundary. No water can be extracted from the Selwyn District Council reticulation network until a flow meter and certified and tested RPZ arrangement is in place. The RPZ must be located inside private land.
38. No irrigation is permitted from the Council Water Supply.
39. Water infrastructure sizing within private land and firefighting requirements must be documented in a report submitted to council for approval of connection type and size at the time of building consent application.
40. All Water connections must be metered. Meters must be installed in the road reserve in accordance with Engineering Code of Practice and the accepted engineering plans. (Note that multi meter boxes may be utilised).
41. Connection into Council's reticulated water supply must either be carried out by Council's Five Waters maintenance contractor, or a suitably qualified water installer under the supervision of Council's five waters contractor. Costs incurred through supervision by CORDE must be met directly by the consent holder.

Advice Notes

- *For supervision purposes a minimum of 5 working days' notice is required. Please note a connection fee being the actual cost quoted by Council's Five Waters maintenance contractor will apply.*
 - *Applications for new water connections can be made online via SDC's website (Selwyn District Council - New Water Connection approval form). Applications should be made at least 8 working days prior to commencement of work (allow a minimum of 10 working days for watermain shutdowns).*
42. A 1050mm diameter manhole must be installed at the property boundary that connects directly to the 150mm diameter wastewater lateral provided to service the development site. This manhole will become the designated Council maintained point of supply for wastewater and will be vested to Council. The manhole will be protected by an easement in gross favour to Council that grants Council access rights for maintenance purposes.
 43. All gravity wastewater laterals must be installed ensuring grade and capacity are provided for and in accordance with Council's Engineering Code of Practice, giving regard to maximum upstream development density.
 44. All vested wastewater reticulation must meet Council's pressure testing and CCTV inspection standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council.
 45. Connection to the Council sewer must be arranged by the Consent Holder at the Consent Holder's expense. The work must be done by a registered drainlayer.
 46. The Consent Holder must install stormwater reticulation treatment and disposal systems to service the development in accordance with the accepted engineering plans and the requirements of the associated discharge consent.
 47. Post development stormwater discharges will not exceed pre-development stormwater discharges for all critical duration design storm events up to and including the 1% AEP storm. Designs and supporting information will be submitted to Council via development.engineer@selwyn.govt.nz for review and acceptance.
 48. All stormwater infrastructure within the development site is required to have stormwater treatment installed to meet the stormwater treatment outcomes prescribed by the Land Water Regional Plan or a related discharge consent.
 49. Any stormwater generated from solar panels (where incorporated) and roof areas known to generate contaminants (such as copper guttering and roofing) will be required to be treated for heavy metals and other contaminants prior to discharge to ground in accordance with Environment Canterbury requirements.
 50. Where a specific discharge consent is issued by Canterbury Regional Council, any consent or associated conditions will be subject to Council acceptance, where these obligations will be transferred to Selwyn

District Council Draft CRC consent conditions must be submitted to Council for acceptance via development.engineer@selwyn.govt.nz prior to Engineering Acceptance being granted, once accepted, will thereafter form part of the Approved Consent Document.

Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, the Consent Holder must submit a revised documents for acceptance. The acceptance process must follow the same procedure and requirements as outlined in condition

Advice Notes

- *The Development Engineering Manager (or their nominee) will either accept, or refuse to accept, the documentation within 30 working days of receipt. Should the Development Engineering Manager (or their nominee) refuse to accept the documentation, they will provide a letter outlining why acceptance is refused; and*
- *The consent holder will hold, operate and maintain the CRC operational discharge consent for the lifetime of the development.*

51. The Consent Holder will notify Council no earlier than 10 working days prior to commencement of discharging treated stormwater from the Site into Council's infrastructure.
52. The Consent Holder must demonstrate that the operational discharge stormwater is compliant with any Canterbury Regional Council consent that is held in the Consent Holder's name for the Site.
53. Any change in ground levels must not cause a ponding or drainage nuisance to neighbouring properties. All filled land must be shaped to fall to the road boundary. Existing drainage paths from neighbouring properties must be maintained.
54. Entrance structures must not be placed on Council road reserve.
55. The Consent Holder must ensure that Council is indemnified from liability to contribute to the cost of erection or maintenance of boundary fences between reserves and adjoining lots.
 - a) This must be ensured by way of a fencing covenant registered against the computer freehold register to issue for each adjoining lot. The covenant is to be prepared by Council's solicitor at the expense of the consent holder; and
 - b) The Consent Holder must procure a written undertaking from the consent holder's solicitor that the executed fencing covenant will be registered on prior to the public opening of the supermarket.

Operational Noise Management

56. All external mechanical plant (except for the emergency backup generator) must be designed to achieve a 35 dB LAeq noise level at the site boundary at all times, unless the Consent Holder has demonstrated that higher mechanical plant levels can be accommodated at the Site boundary without causing cumulative night-time noise levels from all activity on the site, to exceed 40 dB LAeq at residential sites, or 42 dB LAeq at residential sites opposite along Goulds Road.
57. The Consent Holder must ensure that all activities on site measured in accordance with NZS 6801:2008 "Acoustics – Measurement of environmental sound", and assessed in accordance with the provisions of NZS 6802:2008 "Acoustics – Environmental noise", must not exceed the following noise limits at any point within the boundary of any other site:
 - a) 0700 to 2200 hours: 55 dB LAeq; and
 - b) 2200 to 0700 hours: 45 dB LAeq and 70 dB LMax.
58. Truck deliveries to be limited to the daytime hours of the District Plan (0700 – 2200 hours).
59. A Loading Bay Noise Management Plan is to be adopted for the loading bay, which describes best practice to reduce adverse noise effects, including limiting deliveries to the daytime period and describing managerial measures such as signage to ensure that truck deliveries which take longer than 5 minutes to unload will turn off their engine, and refrigeration units attached to delivery trucks are turned off during unloading.
60. A minimum of 15 working days prior to operation commencing on the Site, the Consent Holder must submit the Loading Bay Noise Management Plan under Condition 59 to the Selwyn District Council for certification. If no response is received from Selwyn District Council after 10 working days of submission, the detailed landscape plan and specification must be treated as certified.

61. Non-tonal reversing alarms must be installed on forklifts, and they must be set so that they are no louder than required for safety reasons.
62. Noise barriers must be erected along that boundary of the site as shown on Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision H, Landscape Master Plan [Page 1001] 'C-D 2.3m high acoustic solid timber fence' meeting the following minimum specifications:
 - a) Height – at least 2.3 meters;
 - b) Surface mass – at least 10 kg/m²; and
 - c) The fence must be continuous and maintained with no gaps or cracks. For timber fences, this will require palings to be well overlapped (25 mm minimum) or a “board and batten” system, and a sleeper rail connecting the base of the palings to the ground. A minimum paling thickness of at least 25mm is required to help resist warping.

Attachments

1. RC245088 Land Use Approved Plans – Location Plan, Site Plan, Floor Plans, Elevations, Recession Planes & Signage, and Exterior Materials (ASC Architects, Project Number 23826, Sheets RC01 to RC0X, dated XX XXXX 2024).
2. RC245088 Approved Landscape Plans - Landscape Resource Consent Package dated 22 August 2024 (Kamo Marsh Landscape Architects: Landscape Plan Drawing No. Ref No. 5440 Revision H, Landscape Master Plan and Specimen Tree Plan).

Development Contributions (Land Use Consent)

Development contributions are not conditions of this resource consent and there is no right of objection or appeal under the Resource Management Act 1991. Objections and applications for reconsideration can be made under the Local Government Act 2002. Any objection or request for reconsideration must be made in writing in accordance with the Development Contribution Policy.

The Consent Holder is advised that, pursuant to the Local Government Act 2002 and the Council's Development Contribution Policy, the following contributions are to be paid in respect of this development before the issue of a code compliance certificate under section 95 of the Building Act 2004.

Note: The amounts set out in the attached table are applicable at the time of the granting of this consent. If the time between the date the resource consent is granted and the time which the Council would normally invoice for the development contributions (usually the time an application is made for the issue of a code compliance certificate under section 95 of the Building Act 2004) is more than 24 months, the development contributions will be reassessed in accordance with the development contributions policy in force at the time the consent was submitted. To avoid delays, the consent holder should seek the reassessed amounts prior to the application for the code compliance certificate.

Please contact our Development Contributions Assessor on 03 347 2800 or at:
development.contributions@selwyn.govt.nz.

Water Contributions									
GFA (m2)	***Activity Based HUE Equivalent	Total HUE	Development Contribution per HUE (GST excl)		Total for category	**HUE Credit Available	Total credit available	Total (GST Excl)	Total (GST Incl)
4226	0.0027	11.4	\$2,462.00		\$28,091.91	0.00	\$0.00	\$28,091.91	\$32,305.70
*** Based on daily water meter reading Countdown - Rolleston									
**Consent Notice - unserviced lot									

Wastewater Contributions									
GFA (m2)	***Activity Based HUE Equivalent	Total HUE	Development Contribution per HUE (GST excl)		Total for category	**HUE Credit Available	Total credit available	Total (GST Excl)	Total (GST Incl)
4226	0.0027	11.41	\$6,637.80		\$75,738.63	0	\$0.00	\$75,738.63	\$87,099.42
*** Based on daily water meter reading Countdown - Rolleston									
**Consent Notice - unserviced lot									
Transportation Contributions									
*Change in traffic volume (vph x 15 hours per day)	Activity Based HUE Equivalent	Total HUE	Development Contribution per HUE (GST excl)		Total for category	**HUE Credits Available	Total Credit Available	Total (GST Excl)	Total (GST Incl)
4560	8	570.00	\$1,472.00		\$839,040.00	0	\$0.00	\$839,040.00	\$964,896.00
** Consent notice - unserviced lot									
ITA, Stannic_16 February 2024 - page 29 - increase: 304vph - 15 hours									
								Total including GST	\$1,084,301.12

Selwyn District Council Advice Notes for the Consent Holder

Lapse Period (Land Use Consent)

- Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this land use consent shall lapse five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

Resource Consent Only

- This consent is a Selwyn District Council resource consent under the Resource Management Act. It is not an approval under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a water race bylaw approval or vehicle crossing approval.

Building Act

- This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

Regional Consents

- This activity may require resource consent(s) from Canterbury Regional Council (ECan). It is the Consent Holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Monitoring

- e) In accordance with section 36 of the Resource Management Act 1991, the Council's specialised monitoring fee has been charged. This covers setting up a monitoring programme and at least two site inspections.
- f) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.
- g) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, compliance@selwyn.govt.nz.
- h) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

Vehicle Crossings

- i) Any new or upgraded vehicle crossing requires approval from Council's Infrastructure and Property Department prior to installation. Applications to install a new vehicle crossing or upgrade an existing one can be made online via the SDC website (Selwyn District Council - Application to Form a Vehicle Crossing (Entranceway)). For any questions regarding the process please contact the Roading Team via email at transportation@selwyn.govt.nz.

Accessible Carparking Spaces

- j) The District Plan and the Building Code have different requirements for accessible carparking. Therefore, the carparking plan approved as part of this resource consent may not comply with the Building Code. Early engagement with the building consent team is recommended to ensure all requirements can be met.

Impact on Council Assets

- k) Any damage to fixtures or features within the Council road reserve that results from construction or demolition on the site shall be repaired or reinstated at the expense of the Consent Holder.

Vehicle Parking During the Construction Phase

- l) Selwyn District Council is working to keep our footpaths safe and accessible for pedestrians, including school children. The Council also seeks to avoid damage to underground utility services under footpaths, e.g. fibre broadband. During the construction phase (and at all other times), please:
 - park only on the road or fully within your property – it is illegal to obstruct or park on a footpath; and
 - arrange large deliveries outside of peak pedestrian hours, e.g. outside school start/finish times.

Businesses Preparing or Serving Food and/or Alcohol

- m) Any Consent Holder for a business preparing or serving food and/or alcohol will need to ensure that the business complies with any requirements under the Food Act 2014 and the Sale and Supply of Alcohol Act 2012 and associated regulations.
- n) Any Consent Holder for a business preparing food will need to ensure the business complies with any requirements of the Selwyn District Council Trade Waste Bylaw. More information is available on the Council's website <https://www.selwyn.govt.nz/services/water/wastewater/trade-waste-discharge>

Development Engineering

- o) The fire sprinkler system water storage tank volume must be sized for the full firefighting volume requirements of the sprinkler system (it cannot be supplemented via the SDC water supply) and must have an orifice plate/restriction on the inlet to the tank so that the tank is limited to refill in 6 hours.
- p) A trade waste permit is to be obtained prior to any retail activity being undertaken on the site. The Consent Holder is to formally provide to Council's Compliance and Monitoring Team, compliance@selwyn.govt.nz receipt of a Trade Waste permit responding to either of the following internal wastewater designs:

- i. Establishment of a separate dedicated trade waste line that terminates into a 1050mm diameter manhole located immediately upstream of the Council maintained point of supply. This manhole will become the sampling point and must also be protected by an easement in gross favour of Council granting Council access rights for maintenance and sampling purposes; or
- ii. Use the Council maintained point of supply as the trade waste sampling point.
- q) No physical connections or operation of the development site can occur until the related section 224(c) for the Arbor Green Development is issued.
- r) Engineering Approval – All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at the following address:
www.selwyn.govt.nz/services/subdivisions/engineering-approval/
 - i. The application shall include:
 - ii. Design specifications
 - iii. Design drawings
 - iv. Design calculations
 - v. Relevant Resource Consents or Certificates of Compliance.
 - vi. All correspondence regarding engineering approvals is to be directed to: Development.Engineer@selwyn.govt.nz

Te Taumutu and Ngāi Tūāhuriri Rūnanga Advice Notes for the Consent Holder

- s) The Consent Holder is encouraged to use predominantly indigenous species to increase the biodiversity in the takiwā.
- t) The Consent Holder must undertake appropriate maintenance to extend the life of the proposed solar panels. In addition, consideration must be given to appropriate disposal at end of life.
- u) The Consent Holder should incorporate the Ngāi Tahu Subdivision and Development Guidelines to the greatest practical extent. The development should incorporate sustainable urban design features with respect to stormwater runoff and greywater reuse including:
 - i. Greywater capture and reuse.
 - ii. Rainwater capture and reuse (i.e., rainwater collection tanks).
 - iii. Minimising impervious cover (e.g., using permeable paving and maintaining grass cover).
 - iv. The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.
 - v. Avoiding the use of building material known to generate contaminants such as copper guttering and roofing.

APPENDIX 1 Accidental Discovery Protocol

PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.

Purpose

This Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or Māori archaeological sites are accidentally discovered. The Protocol is provided by Ōnuku Rūnanga. Ōnuku Rūnanga are the representative body of the tangata whenua who hold mana whenua in the proposed area.

Background

Land use activities involving earthworks have the potential to disturb material of cultural significance to tangata whenua. In all cases such material will be a taonga, and in some cases such material will also be tapu. Accidental

discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the *Heritage New Zealand Pouhere Taonga Act 2014*, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site (known or unknown) without the prior authority of the Heritage New Zealand Pouhere Taonga (HNZPT). This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The HNZPT is the statutory authority for archaeology in New Zealand.

Note that this ADP does not fulfil legal obligations under the Heritage New Zealand Pouhere Taonga Act 2014 regarding non-Māori archaeology. Please contact the HNZPT for further advice.

Immediately following the discovery of material suspected to be a taonga, kōiwi or Māori archaeological site, the following steps shall be taken:

- A. All work on the site will cease immediately.
- B. Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed.
- C. The contractor/works supervisor/owner will notify the Kaitiaki Rūnanga and the Area Archaeologist of the HNZPT. In the case of kōiwi (human remains), the New Zealand Police must be notified.
- D. The Kaitiaki Rūnanga and HNZPT will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
- E. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from HNZPT before work resumes (as per the *Heritage New Zealand Pouhere Taonga Act 2014*).
- F. The contractor/works supervisor/owner will also consult the Kaitiaki Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.
- G. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Kaitiaki Rūnanga.
- H. Works in the site area shall not recommence until authorised by the Kaitiaki Rūnanga, the HNZPT (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.
- I. All parties will work towards work recommencing in the shortest possible time frame while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* if necessary. Appropriate management may include recording or removal of archaeological material.
- J. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Kaitiaki Rūnanga, and any taonga (Māori artefacts) that may be discovered.

IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE HNZPT ARCHAEOLOGIST

Contact Details

- HNZPT Archaeologist: (03) 357 9615 archaeologistcw@historic.org.nz HNZPT Southern Regional Office (03) 357 9629 infosouthern@historic.org.nz HNZPT Māori Heritage Advisor (03) 357 9620 mhadvisorcw@historic.org.nz

Kaitiaki Rūnanga:

- Ngāi Tūāhuriri Rūnanga: Office 03 313 5543, tuahiwi.marae@ngaitahu.iwi.nz
- Te Taumutu Rūnanga: 03 371 2660, taumutu@ngaitahu.iwi.nz

Report by:



Tim Hegarty, Consultant Planner

Date:

26 August 2024